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CIVIL WAR VOLUNTEER
OFFICERS' RETIRED LIST.

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CIVIL WAR VOLUNTEER OFFICERS' RETIRED LIST

HEARING

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON MILITARY AFFAIRS UNITED STATES SENATE

SIXTY-SECOND CONGRESS

THIRD SESSION

ON

S. 2006

A BILL TO CREATE IN THE WAR DEPARTMENT AND THE NAVY DEPARTMENT, RESPECTIVELY, A ROLL DESIGNATED AS "THE CIVIL WAR VOLUNTEER OFFICERS' RETIRED LIST," TO AUTHORIZE PLACING THEREON WITH RETIRED PAY CERTAIN SURVIVING OFFICERS WHO SERVED IN THE ARMY, NAVY, OR MARINE CORPS OF THE UNITED STATES IN THE CIVIL WAR, AND FOR OTHER PURPOSES

Printed for the use of the Committee on Military Affairs

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

IN THE SENATE OF THE UNITED STATES,
December 6, 1912.

Ordered, That one thousand copies Hearings Before a Subcommittee of the Committee on Military Affairs, United States Senate, "Civil War volunteer officers' retired list," be printed for the use of the subcommittee.

Attest:

CHARLES G. BENNETT, *Secretary.*

MEMBERS OF SUBCOMMITTEE.

NORRIS BROWN, Nebraska, *Chairman.*

WESLEY L. JONES, Washington.
NEWELL SANDERS, Tennessee.

JOSEPH F. JOHNSTON, Alabama.
GILBERT M. HITCHCOCK, Nebraska.

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CIVIL WAR VOLUNTEER OFFICERS' RETIRED LIST.

WEDNESDAY, JUNE 5, 1912.

COMMITTEE ON MILITARY AFFAIRS, UNITED STATES SENATE.

The subcommittee of the Committee on Military Affairs having under consideration Senate bill 2006 met at 10:30 o'clock a. m.

The bill under consideration is as follows:

[S. 2006, Sixty-second Congress, first session.]

A BILL To create in the War Department and in the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of meritorious service rendered to the Government of the United States, in the Civil War for the preservation of the Union, there is hereby created in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements herein-after contained, the name of each surviving officer of volunteers who served as an officer in the Army, Navy, or Marine Corps of the United States in the Civil War and was honorably discharged from service by muster out, resignation, or otherwise, shall be entered on said list as of the highest rank held by him during said service. Each surviving officer so entered on said list shall have served in said Army, Navy, or Marine Corps in said war not less than six months, shall not have been retired with continuing retired pay, and shall not belong to the United States Army, Navy, or Marine Corps: *Provided*, That a surviving officer who lost an eye, an arm, or a leg in the line of duty, or who was honorably discharged from service by muster out, resignation, or otherwise because of a wound or other bodily injury received or incurred in the line of duty, or because of disability incurred in the line of duty while a prisoner of war, shall, if otherwise eligible under the terms hereof, be entitled to be placed on said list and to receive the maximum retired pay herein provided for officers of his former rank, without regard to the length of his said service: *And provided further*, That in computing the length of service of any surviving officer for the purposes of this act, there shall be included, in addition to his service as an officer of any rank, all such service as he shall have rendered in said war as an enlisted man or as an appointed petty officer. Applications for entry on said Civil War volunteer officers' retired list shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks shall be furnished for said purpose upon request made to the proper department by surviving officers claiming the benefits of this act. A certificate of service, and of enrollment under this act, properly prepared in the War Department and Navy Department, respectively, shall be furnished to each surviving officer whose name shall be entered on said list.

Surviving officers who served as officers in the Regular Army, Navy, or Marine Corps of the United States during the Civil War, and who were honorably discharged from service by muster out, resignation, or otherwise, and have

not been reinstated in said service nor retired with continuing retired pay, shall, upon application duly made, be entered on said list and receive the same retired pay and other benefits, according to former rank and service, that are herein provided for surviving volunteer officers.

Subject to the maximum limitation of retired pay hereinafter contained, each surviving officer whose name shall have been duly entered on said list, who shall have served as aforesaid in the Civil War a term or terms aggregating two years or more, shall receive, out of any money in the Treasury not otherwise appropriated, retired pay according to his former highest rank and former branch of service as entered on said list, which retired pay shall be equal to one-half of the initial active pay now received by officers of like or equivalent rank in the United States Army, Navy, or Marine Corps, respectively; and each surviving officer whose name shall have been duly entered on said list who shall have served as aforesaid in the Civil War a term or terms aggregating less than two years, but not less than six months, shall receive, out of any money in the Treasury not otherwise appropriated, retired pay, each according to his former rank and aggregate term of service, the amount thereof bearing such proportion to the retired pay herein granted to officers of the same rank for two years' service as the aggregate term of service bears to said term of two years. The retired pay provided for by this act shall begin upon the date of the passage of this act and continue during the natural life of the beneficiary; it shall be payable quarterly, and shall not exceed, in the case of any surviving officer, three-fourths of the initial active pay now received by a captain in the United States Army.

Each surviving officer who shall receive retired pay under this act shall thereby relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment of such pension made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment or payments under this act. The retired pay allowed under this act shall not be subject or liable to any attachment, levy, lien, or detention under any process whatsoever; and persons whose names are placed upon said list shall not constitute any part of the United States Army, Navy, or Marine Corps.

Senator BROWN. Gentlemen, the committee finds itself this morning without a full attendance. Senator Jones is engaged in a conference committee which makes it impossible for him to be here. Senator Sanders is in Chicago. Senator Hitchcock, my colleague, I suppose will be here, although he has another meeting, before the Committee on Foreign Relations, which is set for 11 o'clock. However, if it is agreeable to you we will proceed and take your arguments and statements and have them printed, and then we will get the subcommittee together as soon as possible to consider the arguments and what you have presented, and report to the full committee at the earliest possible day.

Mr. Torrance, if you will take charge of the presentation of the matter and proceed with such argument as you may desire to make, or have your associates make, the committee will be very glad to hear you.

STATEMENT OF LIEUT. ELI TORRANCE, UNITED STATES VOLUNTEERS, AND PAST COMMANDER IN CHIEF GRAND ARMY OF THE REPUBLIC.

Mr. Torrance. Mr. Chairman and gentlemen of the committee, let me first state that I appear in the capacity of acting chairman of the executive committee of the National Association of the Surviving Volunteer Officers of the Civil War. Gen. Edward S. Salomon, of San Francisco, Cal., chairman of the committee, has been disabled by illness since December last, and I being the ranking member of the executive committee, the duty has devolved upon me of taking

charge, to a large degree, of this matter. There are present this morning, besides myself, of the executive committee Col. F. S. Hesselton, of Boston, Mass., and of the general committee Capt. A. D. Gaston, of Washington, D. C., Capt. Hartwell Osborn, of Evanston, Ill., and Acting Commander F. P. B. Sands, of the United States Navy, Washington, D. C.

There are also present Col. John L. Vance and Col. A. G. Patton, of Columbus, Ohio, who represent the Ohio Commandery of the Loyal Legion, and Col. Charles R. E. Koch, of Chicago, Ill., adjutant general of the Grand Army of the Republic and ex-commander of the Illinois Commandery of the Loyal Legion, who represents that commandery on this occasion and also represents the commander in chief of the Grand Army of the Republic, appearing in behalf of himself and the commander in chief, Harvey M. Trimble, of Princeton, Ill.

There is also present this morning Corpl. James Tanner, past commander in chief of the Grand Army of the Republic, and we feel satisfied that your committee will be glad to hear a few words from him.

How many may speak at this time will depend largely upon the time that your committee has at its disposal, but we would like to submit our case quite fully, so that it may be as complete and strong as possible.

We are here to urge a careful consideration of and favorable action by your committee on the bill introduced by Mr. Townsend on May 4, 1911, known as Senate bill 2006. A bill similar in all respects to this has been introduced by Mr. Sulzer in the House.

In brief, the purpose of the bill is to create in the War and Navy Departments, respectively, a roll to be designated as the Civil War Volunteer Officers' Retired List, upon which shall be entered the name, with highest rank, of every surviving volunteer officer who served for a period of not less than six months and was honorably discharged from such service.

Upon enrollment a certificate of service is to be properly prepared in the War and Navy Departments, respectively, and furnished to each surviving officer whose name is entered on the roll.

A service of two years is named as the maximum and six months' service as the minimum upon which the retired pay is based, those having to their credit a term or terms of service aggregating two years or more, service as an enlisted man, if any, to be computed as part thereof, to receive one-half of the initial active pay now received by officers of like rank in the United States Army, Navy, or Marine Corps, respectively, provided that in no case shall any officer receive pay in excess of three-fourths of the pay of a captain in the Army, those who served less than two years to receive such proportion of the pay granted to officers of like rank for two years as said term of service bears to said term of two years. There are other provisions in the bill which it is not necessary for me now to enumerate, but readily appear upon inspection of the bill.

The claims of these officers have been before Congress for the past seven years. When first presented, there were about 27,000 surviving Union officers of the Civil War. There are now living less than 18,000, and those eligible to enrollment under the terms of the bill we are now considering will not exceed 16,000 in number, many of whom are officers who held subordinate rank, and the retired pay they

would severally receive under this measure would not greatly exceed the amount they are entitled to receive under present pension laws. The average age of these officers is about 74 years, and the death rate exceeds 1,500 each year.

During the war 9,584 officers perished in defense of their country, and within a very short time the survivors of those who led the mighty hosts of the Union will be fewer in number than their associates who died on the fields of battle.

We have had abundant encouragement that our just claims would be recognized. A great majority of the Members of the present Congress have signified their readiness to vote in favor of the bill whenever an opportunity is afforded.

The legislatures of the great States of New York, Ohio, Illinois, Indiana, Michigan, Maine, Wisconsin, Kansas, Wyoming, and Colorado have unanimously approved the enactment of such a measure and requested the Senators and Representatives from those States to support it with their votes in Congress. No State legislature has declined to take similar action, and if the opportunity was presented many other Commonwealths would follow the lead of their sister States in this matter.

In the Sixty-first Congress favorable reports were made on bills in most respects similar to the one now under consideration by the respective Committees on Military Affairs. In the Senate Mr. Warner, on behalf of the Military Affairs Committee, made a favorable report February 20, 1911. In this report the beneficiaries were divided into two classes, those who had served not less than one year and those who had served two years or more. Those who had served less than two years, but not less than one year, were retired with the following pay: Colonels and those of higher rank, \$650 per annum; lieutenant colonels and majors, \$500 per annum; captains and lieutenants, \$450 per annum. Those who had served two years or more were allowed the following sums: Colonels and those of higher rank, \$900; lieutenant colonels, \$800; majors, \$700; captains, \$600; and lieutenants, \$500, no one to be eligible to the benefits of the retired pay until he had reached the age of 70 years and no one to receive any pecuniary benefit under the bill whose income was \$1,200 per year.

The Military Affairs Committee of the House, on April 13, 1910, through Mr. Prince, submitted a favorable report on H. R. 18899, in which the minimum service was fixed at six months, and one-third of the initial pay received by officers of like rank in the United States Army was awarded to each beneficiary, provided he had served for a period of not less than two years, and a proportionate lesser amount to those who had served for a shorter period of time but not less than six months. It was further provided that no officer should receive less than \$400 per annum, and no officer who had served for a period of two and a half years or more should receive less than \$600, and no officer of any rank to receive more than two-thirds of the present pay of a captain of Cavalry in the Regular Army. The bill was amended in other particulars and contained a new section that all enlisted men who had served 90 days or more and whose physical or mental condition was of such a degree of disability as to require the frequent and periodical aid and attention of another person should receive

\$30 per month. Neither of these reports were reached on the calendar for consideration prior to the adjournment of the Sixty-first Congress, and little regret for such failure was felt or expressed by the would-be beneficiaries for the reason that they failed to do justice and equity to the surviving Civil War officers.

At the hearings before both committees Gen. A. B. Nettleton, since deceased, was chairman of the executive committee and represented the officers in the presentation of their claims. His argument was an able and convincing one and I shall, with your permission, submit a portion of it at this hearing for the consideration of your committee.

In the reports of the Senate and House Committees on Military Affairs just referred to the justice of our claims and the obligation of the Government to meet them was fully recognized and in every particular conceded, as an inspection of said reports will disclose; and I shall not trespass upon your time by a rehearsal of the arguments contained in Gen. Nettleton's address. I must, however, in justice to the splendid body of comrades whom I represent on this occasion, and especially on account of their advanced age and feebleness and the brief allotment of time yet left to them, present their cause from a slightly different viewpoint and supplement with some additional facts the arguments that have heretofore been so cogently made in their behalf.

And, first, as to the equality of treatment of the regular and volunteer forces, as promised at the beginning of the war, I call your attention to the statement submitted last February to the Senate by the Secretary of War in compliance with Senate resolution No. 221. This statement shows the number of officers and enlisted men on the retired list of the Army February 23, 1912, of what rank, and the total amount of yearly compensation paid to such officers and enlisted men. The officers number 1,004, and their average retired pay is \$3,310 per annum. On this list are many officers retired with rank and retired pay one grade above that actually held by them at the time of their retirement. Between six and seven hundred Regular Army officers have been given the benefit of increased rank and pay upon retirement solely in consideration of their Civil War service—whether as officers or enlisted men—rendered 40 years previously. According to the report of Secretary Stimson the enlisted men number 3,339, and their average yearly retired pay is \$718.91. Of these enlisted men, 590, or 17½ per cent, "served creditably during the Civil War" and receive pay of the next higher enlisted grade upon the retired list by reason of such service, so that every officer and enlisted man now on the retired list of the Regular Army and Navy who served with credit during the Civil War is receiving extra pay solely on account of such service.

This is just as it should be and is a proper recognition on the part of the Government of the high character and value of the soldiers' service in defense of the Nation's life; but it is sadly out of harmony with the Government's pledge, as we understand it, made at the beginning of the war, that there should be absolute equality of recognition, consideration, and reward for Civil War service as between the volunteer and the regular forces, rank for rank.

Senator Warner, in reporting S. 4183 February 20, 1911, used the following language:

At the beginning of the Civil War, when for the first time on a gigantic scale, the Nation was required to solve the problem of employing side by side, in a long and bloody conflict, Regular and Volunteer troops of equal value and efficiency, President Lincoln and the Thirty-seventh Congress pledged equally of treatment and reward as between the two lines of service. On the faith of this pledge, the Union Army was enrolled, and these officers accepted their task. But in the absence of such a formal promise, failure to enforce that equality of treatment and reward between the Nation's common defenders would have been both indefensible and suicidal. * * * This rule of the square deal, the Republic's word of honor, was observed toward all during the years of the war. Since the war it has been uniformly violated in the case of the Union volunteer officers. * * * In contrast with this generous Civil War bounty to regular officers against which volunteer officers have made no complaint, consider the fact that no corresponding and approximate recognition or provision is made for Civil War volunteer officers, even those of the most prolonged, perilous, and distinguished service. Instead of the promised equality of treatment, a colonel of Volunteers who served in the field from Bull Run to Appomattox, and has reached three score and ten, is left absolutely without recognition of his former rank and services. No possible comment can add force to this simple statement of fact.

I here quote the following language used by Mr. Prince, from the Committee on Military Affairs, in favorably reporting H. R. 18899, April 13, 1910:

President Lincoln and the Congress of that period realized that both in the then pending struggle and thereafter, such a military combination could not be either effective or enduring except through the enforcement of entire fairness and equality of treatment and reward by the Federal Government as between Regulars and Volunteers. Therefore, early in the war, they gave to the several States and to the Volunteers progressively furnished by them assurance of this equal protection, reward, and recognition. That assurance, mainly embodied in the statute of July 22, 1861, is reasonably understood by the now surviving volunteer officers as an equitable guaranty that whatever provision the Government might make for old age of its Regular Army officers and enlisted men because solely of service in the Civil War, it would make equal provision for old age of its surviving officers and enlisted men of Volunteers because of identical service and sacrifice. This Federal guaranty only reinforced the higher and permanent dictates of natural justice and of enlightened expediency. On the faith of this promise nearly 2,225,000 Volunteers enlisted in the Union Army and Navy, and accomplished their difficult task in the greatest war of history.

Senator Brown. As I understand it, that bill is in substance the same bill that has been introduced by Senator Townsend, and which we have before us?

Mr. TORRANCE. Yes, sir.

The promise of equality of treatment as to the enlisted men has finally been fulfilled, and to-day every surviving enlisted man who served in the Union Army receives larger pay in the shape of pensions than he ever received as a soldier.

Attention is here called to a report of Mr. Clapp, of the Committee on Naval Affairs, made to the Senate April 4 last, recommending for passage S. 2605, which provides that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list, who had creditable Civil War service, shall receive the rank or rating and the pay of the next higher enlisted grade, and if such advanced rank or rating does not carry with it an increase of pay or if there was no higher enlisted grade to which advancement might be made, then, and in such cases, said men shall receive an increase of pay of 20 per cent over and above the retired

pay actually received by them, respectively, at the time of the passage of the act.

On May 2, 1912, the honorable Secretary of War approved the memorial of certain enlisted men of the Regular Army to be placed on the retired list with increased pay, by reason of their Civil War service, and the Secretary of the Navy recommended that 115 enlisted men of the Navy and Marine Corps now on the retired list should be re-retired and receive the rank or rating and the pay of the next higher enlisted grade because of creditable Civil War service.

It would thus appear that "creditable Civil War service" is worthy of and has received recognition and reward in every instance, except in the case of those officers who volunteered, educated themselves in military tactics, trained their subordinates in the art of war, and led the Union troops to victory.

As a part of my argument I desire to submit and have marked as Exhibits A and B, Senate Document No. 642 and Senate Calendar No. 510, Report No. 563, Sixty-second Congress, second session, and also to submit in support of my argument an article marked "Exhibit C" that appeared in the Army and Navy Journal March 23, 1912, which is of historical value as showing the attitude of Congress and of the various States toward the officers and soldiers of the Revolutionary War in the way of land grants, said grants ranging in value from \$640 to a private soldier to \$25,000 to a major-general.

I also submit for the information of your committee copies of the acts of Congress of May 15, 1828, June 7, 1832, and February 19, 1833, providing retired pay for the survivors of the Revolutionary Army, and copies of the acts of Congress relating to the rights of surviving Regular and Volunteer officers in the Civil War, including five acts granting to Regular officers advanced rank and retired pay exclusively on account of Civil War service, viz. acts of July 22, 1861, August 3, 1861, July 28, 1866, March 3, 1875, April 23, 1904, June 29, 1906, and March 2, 1907.

These I ask to be marked "Exhibit D." This exhibit covers four separate sheets, marked "D-1," "D-2," "D-3," and "D-4."

I also call your attention to a strong and most forceful petition addressed to the Congress of the United States by the Illinois and Chicago Volunteer Retired List Committees, of which Gen. Joseph R. Leake is president and Col. F. A. Battey is secretary. This petition has been printed in pamphlet form and the reasons and arguments in support thereof cover 26 pages. I now hand a copy thereof to the chairman of this committee, and will take pleasure in furnishing a copy to each member of the Senate Committee on Military Affairs. I also call your attention to, and leave with your committee, a printed pamphlet of 16 pages, prepared by Capt. George M. Noble, chairman of the Kansas branch of the National Association Union Volunteer Officers of the Civil War, which presents with convincing clearness the grounds upon which our claims rest.

Both these briefs are well worthy of your careful consideration.

OFFICERS DISCRIMINATED AGAINST.

During the war the officers enjoyed some distinction. Their gallantry and fidelity to duty was a matter of world-wide fame and admiration. In countless orders, general and special, they were com-

mended for gallant and meritorious conduct on fields of battle. Promotion followed promotion, and commission after commission was issued to these splendid war-tested and capable officers, a large percentage of whom were promoted from the ranks as a reward for their steadfastness and good behavior. Many of these commissions bore the signatures of Abraham Lincoln, and to others was affixed the names of such great war governors as Andrew G. Curtin, of Pennsylvania; Oliver P. Morton, of Indiana; and John A. Andrews, of Massachusetts.

When the armies of Meade and Sherman marched in grand review at Washington in 1865, many of the regiments, batteries, and squadrons were by reason of the casualties of battle commanded by line officers, and even though in command of a lieutenant every noncommissioned officer and private in the ranks who had followed the battle-rent flag was proud of his commander because he had shown himself worthy to lead and had in a conspicuous manner added to the honor and fame of the command. There was no jealousy then between the officers and the enlisted men, and the better the soldier's record the more highly he esteemed and honored his commanding officer. Not until years afterwards could a soldier be found who would speak in disparagement of these officers who had been selected for special honors, duties, and responsibilities by the immortal Lincoln and the great war governors.

Not until pensions and polities became bedfellows did the peace veteran undertake to displace the war veteran and become the self-appointed hero of the great conflict for the preservation of the Union. Not until 90 days' service was made the sole basis for recognition by the Nation of her defenders in the greatest crisis of her history; not until the volunteer officers of the Union Army were reduced to the ranks; not until the bronzed veterans who, under Grant, fought from the Rapidan to Appomattox, and the seasoned soldiers that marched with Sherman to the sea, were reduced to the level of the men of 90 days' service —most of whom never saw an armed Confederate—did it become necessary to belittle the officers and to eliminate all distinctions not only between the officers and men, but between those who had a brilliant military service to their credit and those who had none; between those whose breasts were decorated with honorable scars received in the forefront of battle and those whose pockets offensively bulged with excessive bounties.

No wonder that the officers of that great war have remained silent for almost half a century. Under such conditions their place was not at the front as in the former days, but in the rear. Nevertheless, many of them were compelled, by reason of advancing age and the infirmities of life and financial distress, to apply for the relief bestowed for a service of 90 days.

Minnesota, the State of my residence, is honored with the presence and citizenship of about 300 surviving Union officers of the Civil War. Among them are two brevet major generals, three brigadier generals, and five brevet brigadier generals. One of them received the surrender of Mobile.

One stubbornly and bravely held the ground at Cedar Creek until the arrival of Sheridan. One led a brigade of troops on the victorious field of Nashville, and two commanded brigades under Gen. Sherman. All are over 75 years of age, three are over 80 years of

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age, and under the pension laws as existed prior to May 11, 1912, none of these distinguished officers could draw a pension in excess of \$20 per month or an amount equal to that received by a soldier who had served for the brief and ineeventful period of 90 days.

The mere statement of such a fact ought to move a patriotic Congress of a grateful Nation to immediate action in behalf of this deserving class of her soldier citizens. The injustice so long inflicted upon the Union officers composed of a class of men selected and approved by reason of their special qualifications, fitness, and trustworthiness should be righted without further delay. It is due to them personally. It is due to the memory of their associates who have gone to their honored graves. It is due to the great Nation whose abundant life is in large part the result of their fidelity, skill, and self-sacrifice.

We do not ask that retired pay be given to every officer, but only to those whose service was for a period of at least six months, unless disabled in the line of duty. We desire it to be a roll of honor, of merit and high distinction—one that the Nation will be proud of, and one that will advance and emphasize the standard of worthy military service.

Our request is most reasonable, and we wish to urge our just claims with becoming modesty, and are willing in our old age to share in part with the Government the financial burden that the enactment of this law may impose.

Arguments have been earnestly urged in behalf of those officers whose term of service was less than six months, but we have not thought of departing from the six months standard. Many have insisted that we should be retired on three-fourths pay, and in the judgment of my committee such a contention is justified on moral considerations and by legislative precedent, but to evidence our willingness to share public burdens now as we did in the sixties we are content to be retired on half pay with the limitation that no officer, however high his rank, shall receive more than three-fourths of the initial active pay now received by a captain in the United States Army. This would limit the pay of a major general to \$1,800 per annum, and company officers would receive from \$850 to \$1,200, according to rank, provided they had served for a period of not less than two years.

If such service was less than two years and not less than six months then they would receive an amount bearing such proportion to the retired pay as such term of service bears to the two years. In other words, if the service was one year it would be one-half that which an officer of the same rank who served two years would receive, and right here it should be stated that since the bill under consideration was introduced in the Senate the pension rates have been materially increased, so that the passage of the bill in its present form would not be of any pecuniary benefit to a large number of the surviving line officers. For example, a second lieutenant who had served but six months would receive but one-fourth the amount that an officer of the same rank would receive who had served two years, viz, \$212.50, which in practically every case would be less than such officer would receive as a pension. The same result would attach to many first lieutenants and to some captains.

The bill should therefore be amended providing that no officer eligible to benefits of the act should receive less than \$400 per annum, and that an officer who served for a period of two and one-half years or more should receive not less than \$600 per annum.

This would conform to bill H. R. 18899, Sixty-first Congress, favorably reported by the House Committee on Military Affairs April 13, 1910, Report No. 1010. A provision of this nature seems necessary to do justice and equity between the officers themselves and to give proper recognition to those of low rank and long service, most of which was rendered as enlisted men.

INCOME CLAUSE.

Strange as it may seem, the paymaster deducted a 5 per cent income tax from our pay for the support of the war to which we had already dedicated our lives. To this we made no objection, but we do desire to enter an emphatic protest to the insertion of an income clause in any bill that this committee may report in our favor to the Senate. Such a provision was inserted in the report of the Senate Committee on Military Affairs made February 20, 1911, and met with universal disapproval on the part of the officers. It has never found a place in the pension legislation of the country, and should not have one in this measure. It would defeat the purpose of making the roll a roll of honor. Some of the most worthy and distinguished surviving officers of the war would, if such a clause were inserted, be excluded from its benefits. Those who would be entitled to its benefits would feel humiliated in being compelled to disclose their poverty. The surviving officers would be divided into two classes—the so-called well to do and those whose last days were days of penury.

Such a clause or condition in the bill would be wholly contrary to its spirit and purpose and would be the Government's final word of discrimination against and disapproval of this gallant and historic body of men. Patriotism and parsimony should not be compounded in the cup of honor that is offered to these heroes as they wave a final salutation to the land they love better than their lives.

CONCLUSION.

It is now five years since I first became interested in the enactment of the volunteer officers' retired bill. I was then 63 years old, and from the beginning I favored an age limit of 70 years. The divine ordinance fixes the boundary of human life at three score years and ten, and it seemed to me that no legislative body could turn a deaf ear to the just and reasonable request of a class of venerable gray-haired men who in their early manhood had given to their country in her hour of extremity their supreme service and devotion.

It seemed to me that a simple suggestion was all that would be necessary and that the Government that had grown great and prosperous through the self-denials and sacrifices of these men would hasten to bestow upon them suitable recognition and rewards. But I was in a measure mistaken. The Nation that once was claimed to be a rope of sand had become a great and mighty world power. It had become so busy and deeply interested in the world's affairs that it had not time to stop and consider the claims of those of its own household. It could hear the cry of distress and stretch out its

strong arm across the sea to help alien people, and was so rich that it could freely expend \$500,000,000 in a policy of friendly intervention toward the people of Cuba and the Philippines, but thus far it has failed to do justice to those who in the old and now almost forgotten time had been the Nation's shield and defense.

During these years of waiting all my predecessors in office, with the exception of Gen. Salomon, have passed to their reward, and the gap between 63 and 70 years has almost closed.

Burdensome and discouraging as at times my work has been, it has always been a labor of love: and though it should result in failure I shall not complain, for I would rather labor and lose in behalf of my fellow officers of the Civil War than to labor and win in a less worthy cause. But, gentlemen, I feel sure that you will deal justly with these men. I am confident that your sympathy and appreciation go out to these veterans.

I doubt not that your judgment will be in accord with that of your colleagues, who heretofore have conceded the claims of these officers and the obligation of the Government to discharge its too long delayed duty toward them, and that your committee will speedily report in favor of the passage of the bill under consideration.

I thank you for your considerate attention.

Senator BROWN. We thank you, General, for your presentation, and will be very glad to hear from any of your comrades who are here.

Mr. TORRANCE. I will call on the other member of the executive committee present, Col. Hesseltine. He with a number of other gentlemen have just reached Washington this morning, and I have not had opportunity to plan or arrange for the order of speaking.

STATEMENT OF LIEUT. COL. FRANCIS S. HESSELTINE, OF BOSTON, MASS.

Senator BROWN. Col. Hesseltine, will you please state your full name?

Col. HESSELTINE. Col. Francis S. Hesseltine.

Senator BROWN. Where do you live?

Col. HESSELTINE. I live in Boston. I was captain of the Third Maine Regiment, lieutenant colonel and colonel of the Thirteenth Maine.

Senator BROWN. Are you a member of the executive committee?

Col. HESSELTINE. I am a member of the executive committee, and I am also here as president of the Massachusetts Association of Union Volunteer Officers of the Civil War.

I have reached the age of 79 years. I have come back here in gray to-day, as I came here in 1861 in gray, when I slept in this building with my company over night when we landed here in Washington. Gray as well as blue may now be a national color.

The fact of the Nation's call for volunteers, its indebtedness and obligation to those who responded, and its duty to promptly recognize and express its gratitude to the surviving volunteer officers is well known and almost universally acknowledged. That the country would gratefully remember and reward those who responded to its call for the preservation of the Union, as it did in 1828 reward the surviving officers of the Revolutionary Army, who secured our inde-

pendence, was published as an incentive to induce men to respond in the days of our greatest peril. This was publicly expressed in the dark days of 1863, when the struggle for national life was as severe and strenuous as in the darkest days of the Revolution.

The day after the First Battle of Bull Run, when the country was staggered by the disastrous defeat and rout of the only organized Union Army, and the victorious enemy were only a two days march from the Capital, President Lincoln issued a call for 300,000 volunteers, declaring that they should have an absolute equality of recognition, consideration, and reward for their services with the Regular Army, rank for rank; and Congress, by an act on July 22, 1861, pledged the public faith that the Volunteers should be placed in all respects on the footing, as to pay and allowance, of similar corps of the Regular Army. The volunteers are justly entitled to all which has been conferred on the Regulars for service in the Civil War. The Regular Army officers who served a single day then have been recognized with increased rank and retired pay. The enlisted regular and volunteer soldiers and sailors have now received full pay for life as a pension, but the volunteer commissioned officers have not been granted distinctive recognition, honorable retirement with retired pay. They ought now from a grateful Nation receive honorable recognition with such retired pay as Congress may deem just and deserving.

In answer to the Nation's call, men fitted to command troops left their professions, businesses, their homes and families, everything, to devote their lives and sacrifice them if need be to defend and preserve the Union. Without their swords, the United States would have perished and ceased to exist as a united nation. Whether or not the surviving volunteer officers as a matter of right under that call should be recognized and retired 50 years after the successful close of the war, the gratitude of the country ought to be expressed to them as it was to the Revolutionary officers.

Hear what noble, patriotic men heretofore have said as to the Nation's indebtedness to those who devoted their lives to defend and save it in time of great peril and what generous effort should be made by the country to repay the debt of gratitude. Gen. George Washington said at Newburgh, June 18, 1783, on resigning command of the Army:

In this state of absolute freedom and perfect security, who will grudge to yield a very little of his property to support the common interests of society and insure the protection of Government? Who does not remember the frequent declarations at the commencement of the war that "We should be completely satisfied if, at the expense of one half, we could defend the remainder of our possessions"? Where is the man to be found who wishes to remain indebted for the defense of his own person and property to the exertions, the bravery, and the blood of others without making one generous effort to repay the debt of honor and of gratitude?

President Monroe, in his first annual message, December 2, 1817, said:

In contemplating the happy situation of the United States our attention is drawn with peculiar interest to the surviving officers and soldiers of the Revolutionary Army, who so eminently contributed by their services to lay its foundations. Most of these very meritorious citizens have paid the debt of nature and gone to their repose. It is believed that among the survivors there are some not provided for by existing laws, who are reduced to indigence and even real distress. These men have a claim on the gratitude of their country,

and it will do honor to their country to provide for them. The lapse of a few years more and the opportunity will be forever lost. Indeed, so long has already been the interval that the number to be benefited by any provision which may be made will not be great.

President John Quincy Adams in his first annual message, December 6, 1825, referring to what had already been done by the Government, said, "More than a million and a half dollars has been devoted to the debt of gratitude to the warriors of the Revolution," and in his second annual address, December 5, 1826, he said, "The distribution of the fund of public gratitude and justice, a million and a half in the form of pensions, goes as a scarcely adequate tribute to the services and sacrifices of a former age."

The bill passed by Congress in 1828, recognizing the debt of gratitude to the officers of the Revolution by retiring them with full pay for life, was approved and signed by President John Quincy Adams.

President Andrew Jackson in his first annual message, December 8, 1829, recommended the extension of the benefits of the act of 1828 to every Revolutionary soldier who aided in establishing our liberty and independence. He said:

These relics of the War for Independence have strong claims upon their country's gratitude and bounty. Such an amendment is called for by the sympathies of the people as well as by considerations of public policy.

Let me repeat the noble speech of Daniel Webster, delivered in the United States Senate April 25, 1828, which secured the passage of the bill retiring with full pay the surviving officers of the Army of the Revolution. No more potential words for the passage now by this Congress of this bill retiring the surviving volunteer officers of the Civil War can be uttered. His arguments were unanswerable then and are now equally forceful, most applicable for the passage of the bill pending. The Revolutionary officers secured liberty and union; the Civil War officers preserved that Union with universal liberty. Hear him. Though dead, he yet speaketh:

I confess that I feel wounded—deeply hurt—at the observation of the gentleman from Georgia, when he said, "So, then, these modest, high-minded gentlemen will take a pension at last." * * *

There is, I know, something repulsive and opprobrious in the name "Pension." God forbid that I should taunt them with it. * * * I, for one, would most gladly support such a measure as should at once consult their services, their years, their necessities, and the delicacy of their feelings. I would gladly give with promptitude and grace, with gratitude and delicacy, that which merit has earned and necessity demands. * * *

How we shall treat them it behooves us to consider, not only for their sake, but for our own sake also and for the honor of our country. What we do will not be done in a corner. Our constituents will see it, the people will see it, the world will see it.

This is their merit and their ground for claim: They were in the Army; the salvation of the country depended on their continuing in that service. Congress saw this imperative necessity and earnestly solicited them to remain.

A single instance of affluence or a few cases where want does not tread close on those who are themselves treading on the borders of the grave does not affect the general propriety and necessity of the measure. We all know that it exists, and we may, I think, safely rest upon it without so discussing it as to wound the feelings which education inspires, the habits of military life cherished, and a just self-respect is desirous to maintain. I confess that I meet this claim not only with a desire to do something in favor of these officers, but to do it in a manner indicative not only of decorum, but of deep respect—that respect which years, age, public service, patriotism, and broken fortune command to spring up in every manly breast. * * *

Mr. President, allow me to repeat that neither the subject nor the occasion is an ordinary one. Our fellow citizens do not so consider it: the world does not so regard it. That was a civil war. It was commenced on principle and was sustained by every sacrifice on the great ground of civil liberty. They fought bravely and bled freely. The cause succeeded; the country triumphed.

That Army faithfully served and saved the country, and to the country is now referred its claim. It laid aside its arms with alacrity; it mingled with the mass of the community and has waited until, in better times, its services may be rewarded and the promises made to it may be fulfilled.

This example is worth more—far more to the cause of civil liberty than this bill will cost us. We can not refer to it too often or dwell upon it too much for the honor of our country and its defenders.

In January and February, 1863, Dr. George W. Greene, professor of American history at Cornell University, a descendant of Gen. Nathanael Greene, of Revolutionary fame, by invitation delivered before the Lowell Institute in Boston a course of lectures on the Revolution, and in March and April repeated them before the Cooper Institute in New York City. They were published by Houghton and Mifflin, in the city of Boston. The closing section of the seventh lecture was an appeal in the time of greatest peril to men for service, as it is to-day to Congress for national gratitude. History repeats itself. Daniel Webster, in the United States Senate in 1828, called for the Nation's gratitude to the surviving officers of the Revolutionary Army. Prof. Greene, in 1863, called for national gratitude for the men then struggling to save the Union, when the question should be brought to the door of our National Congress. We quote to this Congress of 1912 his words for it to act and express national gratitude in a spirit worthy of a just and enlightened people. He said:

It was long before the country awoke to its ingratitude toward those brave men. The history of our pension bill is scarcely less humiliating than the history of the relations between the Army and the Congress of the Revolution.

Their claims were disputed inch by inch. Money which should have been given cheerfully as a righteous debt was doled out with a reluctant hand as a degrading charity. There was no possible objection that was not made by those who owed the opportunity of discussing the soldiers' claims to the freedom which those soldiers had won for them with their blood.

Never did Daniel Webster display a higher sense of the responsibilities of the legislation than in his defense of the bill for the relief of the survivors of the Revolution. Thank God that something was done for those men before they had all passed away.

Heaven grant that the feeling whence it sprang may be forever rooted out from the national character, and that when a question of national gratitude, which the present war is preparing for us, shall be brought to the door of our National Congress, it may be met in a spirit more worthy of a just and enlightened people.

The call to retire surviving officers is not for pensions, not charity, not alms, but for an honorable recognition by retiring them in their old age as Congress did the officers of the Revolutionary Army in 1828, a deserving expression of the Nation's gratitude for the valuable services rendered and the results secured half a century ago. "What you do will not be done in a corner; your constituents will see it; the people will see it; the world will see it. The honor of our country, united and prosperous, in the cause of civil liberty demands it."

Mr. TORRANCE. Mr. Chairman, we would like to have a few words from the Senator having in charge this bill, Senator Townsend.

Senator Brown. We will be very glad to hear from him.

Mr. TORRANCE. He has been very earnest in his advocacy of this measure, and we are very much indebted to him.

STATEMENT OF HON. CHARLES E. TOWNSEND, A SENATOR FROM THE STATE OF MICHIGAN.

Senator TOWNSEND. Mr. Chairman, I would prefer not to say anything at this time, but there are some things that perhaps I ought to say.

I realize that the men here who are vitally interested in it and who have lived through all the experiences which have made this thing necessary are able to impress their case more forcibly and eloquently upon you than I, and yet there are two or three things which moved me in taking an active part in this proposed measure, and of those I want to speak very briefly.

I agree with all that Gen. Torrance has said and with all that these other men have said in reference to the implied and express obligation which the Government entered into at the time these men entered the service. It is simply a surprise, to the man who has not given study to it, how clear the statement of the Congress and of President Lincoln and of the governors of the States was to the effect that these men should be treated the same as the Regular Army officers. Our legislation since then has recognized one portion of the volunteer officers—those officers in the volunteer service who remained in the Regular Army after the war was over. They were recognized under the statutes of the country because of the service which they rendered as Volunteers, and they were retired under various laws of the Congress at an advanced rank, because of the fact that they had served one or more days in the Volunteer Army.

There has been some opposition to this proposition. Some of this opposition comes from the enlisted men, who were not officers. It comes from that class of the Volunteers who have been noisiest, and not necessarily from the class who were the most loyal soldiers. I, myself, have received letters from men who have protested against the passage of such a bill for the reason, they said, that they endured just as much as the officers did: they offered their all on the altar of their country, and that is as much as an officer could do. I have been interested in looking up the writers of some of those letters, and I have discovered that most of them were men who offered nothing, so far as actual service was concerned. I do not want to belittle them. I have never said an unkind thing about an old soldier, North or South, because I regard them as peculiarly the objects of a country's gratitude. But I have been pained to notice that the least worthy of the class of soldiers—if we can separate them into classes—have been the ones who have protested against the partiality, as they call it, of the Government.

For myself, I am not looking at this question so much from the financial standpoint: I do not care so much about the size of the emolument, although the Government ought to do its duty in that respect. I have been contending for a recognition of a principle. The world, from the beginning, has recognized the fact that there is a difference between the officer and the man. It recognizes it in the fact of superior pay, to begin with. These men were selected as officers because of their peculiar fitness. They mustered the troops, very largely. All over the North these men went out and organized companies and regiments, and were commissioned by the governors

to take charge of them, and they did take charge of them. These men should be recognized in the interests of patriotism, in my judgment.

It is said that the Regular Army officer should be treated differently from the volunteer, because he has been rendering his service to the country since the war. Yes, that is true; but it has been a most desirable one, from every possible standpoint. A man who was in the Regular Army, without any immediate prospect of ever having to risk his life or health in actual service, has been given a position of importance socially, his future has been cared for—it is a job for life, and as for these few men who went out of the Volunteer Army and entered the regular service, I do not want to detract from their patriotism, but I want to say that in time of peace it was a very natural thing, and a very nice thing, and has been a very splendid thing for men in the Regular Army.

On the other hand, these men, many of them, who might have remained in the Regular Army, left the service with their scars on them, many of them in broken health, and took up the work of peace. They helped to repair the ravages that were wrought during the awful period of the Civil War. And so, for me, I can see reasons why possibly the volunteer officer ought to be recognized over the regular officer. But I can never see how it is any way right to put him below the regular officer.

Mr. Chairman, Gen. Torrance, who has charge of this committee, succeeded Gen. Salomon, with whom I was closely related, a man who with the burden of this great work has broken down. His predecessor was Gen. Nettleton, a sweet character, a splendid gentleman, who offered up his life for this particular work—because he was not strong. None of these men are strong. But he took it up and put his whole life into it, and died in the harness.

Gen. Torrance says that he has favored the 70-year age limit, and that he is willing that that provision shall be inserted; that this recognition shall not begin until these men reach the age of 70. Personally, I would like to wipe that out. I never have been in favor of any age limit. I am quite inclined to favor putting in a provision, saying, for instance, that they shall have had a service of six months at least, possibly; but there should be no age limit in this proposition. Every officer who served six months or more should be recognized upon this roll of honor. I can not see it in any other way. If it is a matter of right, then we ought to recognize it as such. The amount of pay is going to be small.

Again reverting to the fact that the volunteer men have been opposed to this, some of them; yet, gentlemen, you know as I know, who have served in Congress, that whenever there has been any pension legislation up in Congress looking to the benefit of the rank and file of the Civil War, the men who have been selected to take charge of it have generally been officers of the Civil War. They have been here working in the interests of the men, and they have said at this time, during the recent legislation that they had, "We do not want to push this matter. Wait until the men have been cared for, and then we will come forward and take our chances, although we have had our case pending here for years, and some of us will drop by the way working to secure the very thing we are all after."

So that so far as selfishness is concerned, Mr. Chairman and Senator Johnston, I do not think anything can be charged to the volunteer officers on that score. They have been very unselfish.

This amount is not going to be very large, and it will not last for long, because the officers are older than the men. They were older when they enlisted, more experienced when they went into the service. Their average age is far above the average age of the volunteer in the ranks; and this list is going to be reduced year after year, and very rapidly, until in a very few years more, 10 at the outside, there will be no burden upon the Treasury on account of any claim that will be presented by the volunteer officers.

But, Mr. Chairman, just one thing more. We recognize that it is now late in the session, and perhaps it will not be possible to get this acted upon favorably in the Senate. It will be a great comfort to these men if we can get a favorable report from the committee, and I think we could get it through during the next session of Congress without having to come to the committee again. I would like to have this presented in the true light to the whole committee, and a favorable report obtained from that committee, and let us take our chances on the floor of the Senate and House of getting this matter passed, as it ought to be passed. It is right, it is everlastingly right, gentlemen. I do not believe you can look at it in any other light when you see all the facts and all the circumstances surrounding it, knowing what we were pledged to do and what we have failed to do up to date; and therefore, being right, it seems to me that the least we can do now is to present it to the Senate for its favorable action. I believe in it from the very bottom of my heart, or else I would not present it. I think it is a matter of justice and right, and that it ought to be acted upon affirmatively and favorably.

Mr. TORRANCE. On behalf of the officers who are present, and whom I represent, I must enter a word of appreciation and grateful acknowledgment to Senator Townsend for his earnest and sincere appeal made in our behalf.

As to the 70-year limit, I spoke for myself when I referred to that; and that is one reason that I have willingly given so much of my time in support of this measure, because I had no assurance that I would ever receive a dollar of benefit under it, and it left me freer to work for these older men and my superior officers, for whom I entertain the greatest veneration.

Senator BROWN. You are only 68?

Mr. TORRANCE. Yes.

Now, following Senator Townsend, I wish you to listen for a few minutes to a few words from the rank and file as expressed by my friend Corpl. Tanner, past commander in chief of the Grand Army of the Republic, who is most favorably known from one end of the country to the other.

Senator Brown. We will be very glad to hear from Corpl. Tanner.

STATEMENT OF MR. JAMES TANNER.

Mr. TANNER. I am the only individual present who has no material interest in this matter, for the reason that I never got out of the one grade. Starting from the farm, boarding the first railroad train I ever saw in my life—I was just past 17—looking for a uniform and a

gun, and getting those, and getting something else, I was mustered out by Stonewall Jackson's Artillery after 13 months' service, and yet there is no man here who feels more earnestly in favor of this matter than I do. I am not boasting, and I think I am stating a straight fact when I say that there is not and has not been for many years any man in the United States who has personally met more of the survivors of the Union Army than I have. I have been migratory in my disposition at times and have covered the country. But just to-day I am thinking of an object lesson. I am thinking of the gallant soul who rode at the head of my regiment. We were at Yorktown and at Williamsburg; and at Fair Oaks the colonel went down, shot through both thighs. We were driven back and he was taken prisoner and was kept in the hospital a long time, in Richmond, and when he came out he found that the regiment was consolidated with another regiment, and he was mustered out of the service with his officers before he had been exchanged. To-day he sits in a modest room over in Jersey City, 91 years of age, living on a pension of \$20 a month, rejoicing in the fact that the bill you recently enacted into law puts him up \$10 more. I am impressing upon our genial and splendid Commissioner of Pensions that he has got to hurry up in that case or God will get him before the pension increase gets him.

One thing, furthermore, that I desire particularly to speak on is this. I think, Senator Townsend, you specialized it just right, when you spoke of the fellows who make the most noise, who in the ranks are protesting against this measure of justice for those who held commissions. But I must deny that that permeates those of us who formed the rank and file to any considerable extent. A mass of men without training and without leaders was but a mob. It is all very well to say, and I have said facetiously, at times, at various banquets where the Loyal Legion have honored me by asking me to be their guest—in a jocose spirit I have said—that while the officers were useful under some circumstances, still it was absolutely necessary to have us of the rank and file to do the shooting. But that, of course, was in a jocose spirit; and the leadership that was exhibited was magnificent in its character, and without it our cause would have utterly failed.

That war was greater than most people stop to think, because it was a war between Americans. I am moved to say right here that you may hunt the history of all the wars that continental Europe has ever engaged in and you will find no record of a single regiment which in one engagement lost 50 per cent of the force that it took into action. We on the Union side have a record, clear and distinct, of 100 regiments which lost from 50 to 80 per cent, the 80 per cent being when Hancock was forced to sacrifice the First Minnesota at Gettysburg. It contains its own comparison, because of course when we suffered such loss it was because we met men on the other side who were American soldiers; and none better on God's earth, anywhere.

I feel perfectly happy in what the United States has done for its surviving officers and their widows. Those who voiced the sentiment long years ago that Republics were ungrateful had not had much experience with the United States of America. I remember a few years ago—quite a number of years ago, in fact—when for several successive years I was on the pension committee of the national body of the Grand Army of the Republic, and we got out here to secure legis-

lation on specific lines. Pensions were much lower then than now, and our committee sat down in the Ebbitt House, and looking over the list of Congressmen, certain Congressmen were being allotted to this, that, and the other one of us. There were 26 ex-Confederates in the House at that time, and our chairman said, "Well, Tanner, you know a lot of these fellows. We will give you the bunch." I said, "I will take them;" and the next day I came up here and introduced myself to Gen. Charles Hooker, with his one empty sleeve. I told him who and what I represented and what we were after. He did not give me time to get through. His one hand went up to my shoulder, and he said, "You don't have to say anything more to me. If we had won, we would have pensioned our boys royally." He said, "We have lost all, and we can not expect that; but you can count on me for the highest figure, every time." Then Gen. Joe Wheeler, 20 minutes thereafter, said, "Put me with Hooker"; and we had the vote of every ex-Confederate that was in the House.

On another occasion I sat in the gallery and saw a spectacle when the bill was reported from the Pension Committee of the House. The House was then Democratic, and they were striking a blow at the widows that hurt, and I saw Amos Cummings, a splendid man, rise and break from his party on that point, and again I saw ex-Confederates vote with Cummings, and they beat the report of the committee. I specify these things to show that we remember them, that we are grateful, and that we are confident. Standing to-day as we do with the splendid surroundings and the magnificent prospect we have, and in the position that this country occupies, with the faith that we have in ourselves, and the knowledge that we have that there is just as much loyalty to the flag and the Constitution down below Mason and Dixon's line as there is north of it—and God knows we had that exemplified in the Spanish War—I say to you, gentlemen of the committee, that we come asking for this measure; and do not understand that we come asking with the slightest shadow of complaint in our hearts. We come with the very spirit of exultation, but we do ask that the men who led us with leadership so necessary, who pressed forward so valiantly when death was devastating our ranks, shall have this, and it is up to what should be demanded by your individual, your collective, your political, or your personal pride, that the men who so worthily wore the uniform of the Government in the days when the Nation was battling for its life should not be denied the common necessities of life now. I am satisfied, from what I have heard and seen, and what I have expressed, that this matter is in safe hands, and I have no doubt Senator Townsend voices it when he says that it is late in the session, and probably you can not get it through to-day, or this session; but it is also true that by the time the next session comes many who would be beneficiaries if it should pass now will be under the sod. We have got to take those chances in this life. But give us the report of this committee for present and future use.

MR. TORRANCE. Mr. Chairman, I desire very much that the Grand Army of the Republic, through its commander in chief and adjutant general, Col. Koch, who is here, should be heard briefly.

There are a number of gentlemen here whom I would like to call upon, and I think some of them have briefs, which I will ask them to submit, if they can be printed.

SENATOR BROWN. The committee would be very glad to have any written briefs or arguments that anyone has.

MR. TORRANCE. There are several here, and I will hand them to the stenographer; but I would like you to hear the adjutant general, Col. Koch, if you will.

STATEMENT OF COL. CHARLES R. KOCH, ADJUTANT GENERAL OF THE GRAND ARMY OF THE REPUBLIC.

COL. KOCH. If you will permit me, I will treat this subject from a more practical standpoint than that which has been presented heretofore, and there is a practical business side to this proposition that I believe has never been touched upon.

Exhaustive arguments have for several years been presented before the Military Committees of both Houses of Congress in favor of the creation of a volunteer retired list of the Civil War. In these the military history, the precedents, and the various enactments by Congress have been thoroughly exploited, as well as the expressed views of the first civil and military leader of our country, George Washington, and those of the great statesman, Daniel Webster. All of these clearly show that in the organization of our armies, from the earliest days of our national development, there has always been a difference between the duties and responsibilities imposed upon commissioned officers and upon enlisted men; there has also always been a difference in the compensation, emoluments, or rewards bestowed upon such officers and enlisted men by our Government. The pension law enacted in 1892 annulled and abrogated this well-established, essential, and statutory distinction so far as it concerned the surviving officers of the great war that resulted in the restoration and preservation of the Union by saying that "rank should not be considered" in these disability pensions. In effect this act degraded all these officers and took from them distinctive rights theretofore always not only conceded to them, but rights that had been well established in laws, regulations, and orders. Take the rank of captain, for instance, and his rate for disability was about three times that of an enlisted man during the Civil War.

This degradation has been perhaps unconsciously heaped upon a class of deserving citizens, but the Army and the Navy of the United States now in service, and the National Guard of the country that must be relied upon to meet the first emergency call, if our country should be so unfortunate as again to need soldiers for war, are still permitted to work under the old system that makes a distinction in the reward for service between officers and enlisted men.

It must be remembered that to some extent the blame of this unfortunate degradation is not entirely due to Congress. The sense of responsibility for the comfort and care and well-being of the enlisted men, which during the four years of war grew into a habit with the officers, had much to do in their silence and in their neglect to protest against the degradation heaped upon themselves. They realized that possibly, if they should insist upon a continuance of the prerogatives guaranteed them by law and precedent, they might injure the securing of needed benefits by the enlisted men who survived the war, and therefore they stepped aside in order that the great majority of the veteran soldiers of the country might derive such benefit as these enactments gave them. Their acquiescence

without protest removed any danger there might have been that the bills should not pass. It was always the officers' bounden duty to give first consideration to the care and comfort of the men. In this, we believe, the surviving officers have been consistent throughout these many years, which has been finally proven in the generous pension act passed by the present Congress, which practically gives the enlisted man the full pay of his rank, and in some instances more.

It seems now eminently proper that Congress, having dealt not only justly but generously with the men who carried the guns, should also now deal justly with the officers who trained them, who led them, who were responsible for them, and who have ever since, in times of peace, commanded the respect and affection of these enlisted men.

It seems time that the rank and emoluments to which these officers are entitled, and which were taken from them by the error of the act of 1890 and subsequent acts, should be restored to them. In addition to the many precedents for distinction between officers and enlisted men that have always existed in our armies, we beg to call attention to the following:

During the War of 1861-1865 a cartel for exchange of prisoners existed between the two contending forces. Rank was then considered. It required the turning back of eight privates in exchange for a captain, for instance.

From 1862 on, the Government offered bounties for enlistments. None were paid to officers. If an enlisted man became an officer before he had served two years as an enlisted man, he not only forfeited his bounty, but was obliged to restore any advance he may have received on this account to the Government. Rank was then considered.

The surviving officers fully realize that when Congress wrote in the act of 1890 and in several subsequent acts "rank shall not be considered," there was no purpose or intent to slur or insult a large class of useful and influential citizens, a class who had served the country well in its direst need and who are enjoying the respect and esteem of their fellow citizens now. They realize that it was done in the interest of supposed economy, as without the insertion of that clause it was feared the outlay for these pensions would have been much greater. Under prior laws that governed they were entitled to a distinctive and much higher rate as officers.

Go back with us to the beginning of the war. Our country, then weak physically, and poor, and without credit financially, had three principal creditors:

First. The capitalist, who loaned his credit or his money, who prescribed his own terms, received bonds payable, principal and interest, in gold. The price of gold exchange did not bother him; it was stipulated in the bond that he should be paid in gold, and he was. When it was proposed after the war that he should instead be paid in greenbacks, there was no class of our citizens more strong in the advocacy of keeping our faith with the bondholders than were our returned veterans of the war.

Second. The contractors and others who furnished the Government the stores, the equipment, and munitions of war necessary in the prosecution of this four years' contest. These men increased their prices as gold exchange increased, and sold at market values, which

were higher by reason of the depreciation in the value of the country's currency. They, as well as the bondholders, prescribed their own terms.

Third. The civil and military and naval employees of the Government. For them compensation was fixed by statute. It is not known how much this compensation was increased in the civil list, or if at all, but the civilian employee was at home where he was free to change his vocation or find additional employment with additional compensation. The soldiers in the Army and the sailors of the Navy practically were the only creditors of our Government for whom the Government by statute fixed their compensation and then said, "This promise to pay a dollar" is a dollar, although the purchasing value of this fiat dollar at one time ran down to about 37 cents.

The officers of the Army and Navy were in effect, however, the most exclusive sufferers. The enlisted man received his subsistence, equipment, clothing, and armament, as well as hospital care if sick, in kind, bought and paid for at the increased cost, so that the decreased value of the currency only affected his pay. This was increased from \$13 to \$15 per month, and later (in 1864) bounties were paid him amounting to \$100 per annum, which together nearly amounted to double his pay at the beginning of the war, and now the survivors are entitled to receive in money on a gold basis equaling more than their monthly pay as soldiers.

The officer had to purchase his own equipment, arms, clothing, and food, and if sick had to pay hospital charges. In 1861 his pay did not purchase half as much as in 1862, but it was not increased during the war. There was an increase in his ration allowance late in the war, increasing the daily ration from 30 to 50 cents, but that was not a perceptible increase. He received no bounty, but was responsible for the property of the Government in his charge, and frequently was made to pay for losses. He made no terms or conditions, but accepted what was given him. If the paymaster did not appear for over six months at a time, he lived on borrowed money. Little did he think of anything excepting his duty to his command and the work before him, to contribute his full share in the reestablishment of a restored Union.

In a measure he followed the experience of his prototype, the officer of the Revolutionary War, who, from the aspect of the depreciated currency, would have had a fellow feeling with him.

But we wish to remind the country, and especially Congress, that our country, then weak and poor, saw the justice of restoring the difference to the survivors of that war between the value of the money paid and the money promised, by repaying it later, and by placing them on a footing where they should draw the pay of their rank during the remainder of their days.

No doubt the Congress of to-day desires to be as just and as generous to the officers of the Civil War as was the Congress of 1828-1832 to those of the Revolution.

Reviewing the premiums the greenback had to pay in exchange for gold, we ascertain that approximately the money value of the greenback paid to officers was:

From July, 1861, to July, 1862	\$0.83
From July, 1862, to July, 1863	.67
From July, 1863, to July, 1864	.41
From July, 1864, to July, 1865	.50

The pay of the officers of a regiment of Infantry amounted approximately to \$54,000 per annum. The Cavalry and Artillery regiments had 12 companies instead of 10 as in the Infantry, and the pay of the individual officers of these branches of the service was larger than that in the Infantry, but for the purpose of a computation we shall base our calculation on the lower scale paid to the officers of one regiment upon the Infantry standard. Taking, then, the average value of the greenback, and computing the pay of a regiment of Infantry, we find that the Government saved on the officers of one such Infantry regiment:

First year	\$9,170
Second year	17,820
Third year	31,860
Fourth year	27,000
 Saving on one regiment	 \$85,850

Senator JOHNSTON. Will you permit me to ask you what you mean by "the saving"?

Col. KOEN. The difference in the payment of the officers in greenbacks and their payment in gold, when every other man who served under the Government was paid on the gold basis and the officers of the Army were paid in greenbacks.

Senator JOHNSTON. But afterwards the Government had to redeem all those notes.

Col. KOEN. Yes; if you will permit me to go a little further in my argument I will cover that.

There were, in round numbers, in the armies of the United States during the war, 2,000 regiments. These, however, did not all serve three years, but it would be eminently fair to compute the number of regiments by claiming for our calculation that there were 1,000 regiments covering the period of four years. On this basis we will find that the officers alone of 1,000 organized regiments, on the Infantry basis, saved the Government, by receiving depreciated currency tendered them at its face value, the sum of \$85,850,000. But these officers of the line were only a portion of the entire organization. There were nearly 500 general officers and several thousand staff officers, and then there were all the officers of the Navy. If the saving upon these could be computed, we are quite sure that the sum would amount to considerably over \$100,000,000. But let us place it at the low mark of \$100,000,000, and then let us add to this amount, justly due these officers if the Government intended to pay them in the same coin that it did the bondholder and the contractor, simple interest at 4 per cent for 47 years, and we shall have a fund to the credit of these officers amounting to \$288,000,000.

If this amount were now invested at 4 per cent, it would result in \$11,520,000 per annum. This would go a long way toward the payment of the retired pay of the surviving officers at the present time. The amount of \$100,000,000 which was taken from all of the officers during the four years of war, by reason of the Government discharging its financial obligations to them by paying them in fiat dollars in place of real dollars, would pay the full amount proposed in the veteran's retired bill to all the surviving officers who are now living for the remainder of their days, and the enormous amount of nearly

\$200,000,000 of interest saved on this is simply an additional contribution made by the officers who assisted in saving the country. If there are now 20,000 ex-officers living, and we understand the average age is now 72 years, in the nature of things death will claim them all, or nearly all, within the next 13 or 14 years. If retired pay to be given to them should average at \$1,200 per man at the beginning, we would require \$24,000,000 for the first year. From this would be deducted the amount of at least \$6,000,000 by reason of relinquishment of pensions, which would still require \$18,000,000 for the first year. The second year and each succeeding year would reduce this amount by probably 10 per cent, so that the debt that the country justly owes these officers, based upon any fair interpretation of moral obligation, would more than take care of this payment to the last survivor.

It is true that it was not so stipulated in the bond, but soldiers, when a country needs saving, do not stop for the consideration of money or reward. They have faith in the country that is worth saving, and they have faith that the country that has been saved will deal honestly and justly with them.

It may be said that this debt, which we honestly claim to be a debt, if accepted as such, would still be subject to the criticism that, if a debt, it was contracted by a generation long passed off the stage; and that the people of to-day knew of the service of these officers only as a matter of history or tradition, and that it would not be fair to tax the people of to-day to discharge a debt incurred so long ago, especially as this debt has not been established by the evidence of bonds with coupons attached. To this we would say that there is not a municipality, city, county, or State in this grand country of ours in which debts were not contracted by generations of long ago for betterments, improvements, and what not, of which the present generation is receiving the full benefit and for which they willingly now pay the bills.

It certainly can not be questioned that the present greatness and grandeur of the United States as a result of the successful achievements of the Union Army has made the people of these United States more prosperous than any people on earth; has put in the hands of every citizen greater enjoyment than any other people on earth; has been a benefit which the present generation is enjoying to its fullest extent.

In view of the foregoing it would seem that the Volunteer officers of the Civil War would be justified in demanding that they should be placed on the retired list with three-fourths pay of their rank, as payment of a debt justly their due, and as a purely financial obligation, and not in any way as a gratuity or generous beneficence.

Because they did not ask for the signing of a bond with stipulations and coupons attached when the country needed and accepted the loan of their prospects of life, their service, their health, and their lives if need be; and because in the energy and enthusiasm of their youth they thought little of the dollars or its value they should not, in the closing days of their lives, have their claims outlawed and be refused justice and restitution.

Mr. TORRANCE, Commander Sands has a brief which he desires to offer.

**STATEMENT OF FRANCIS P. B. SANDS, FORMERLY ACTING
MASTER, UNITED STATES NAVY, 1862-1867.**

Mr. SANDS. I only want, with the permission of the chairman and Senator Johnston, to call attention to one fact, namely, that the surviving officers of the Volunteer Navy, whom I represent to-day, do not exceed more than 200 who would be benefited by this. In 1908 there were 250.

I wanted to call attention to this one fact, that the naval pension fund, which was the naval prize fund, was \$14,000,000, and since 1868 has drawn 6 per cent interest. Congress then, at the suggestion of Gen. Butler, I believe it was, covered that into the Treasury, and thenceforward and thereon paid only 3 per cent, making a saving to the Government of \$420,000 a year.

Forty-four years have elapsed since that time, and without compounding that interest it has paid into the Treasury \$18,480,000.

We could ask you to be liberal on that account, but, as I have stated, we, the surviving officers of the Volunteer Navy, only ask to share in this measure equally with those officers who so brilliantly and successfully led the Nation's armies to victory and preserved a Nation whose interests are in your hands in respect to the relief asked here.

I desire to submit this statement.

The paper submitted by Commander Sands is as follows:

THE WARNER-TOWNSEND BILL.

To the Committee on Military Affairs.

SENATORS: As a member of the executive committee of the Surviving Volunteer Officers of the Civil War I have represented the interests of the volunteer officers of the Navy in the pending measure which has been presented for congressional action, and I have been impressed by the extreme moderateness of the appeals that have been submitted for your consideration.

After observing the generous recognition that has been accorded to this measure by many Senators and Members as being just and meritorious and as presenting a minimum of relief that could be suggested, and after perusal of the complete, admirable, and succinct recitals of former congressional action recognizing the special services of officers who served in the former wars of the Nation, as they have been presented to you by the chairman of our committee, Gens. Nettleton, Salomon, and Torrance, in behalf of their brother officers, there remains but little that I can add to the convincing and logical force of their arguments.

The self-sacrificing labors of those officers, who, neglecting their personal interests and at the risk of health, have devoted four years to the presenting of this claim for your action, are an illustration of the patriotic feeling that animates all of the beneficiaries under the bill.

I will add, however, that the claim of the surviving officers of the Civil War are as deserving of consideration and recognition as were any officers that served in the Revolutionary and Mexican Wars.

What this measure will give, although not fully what we deserve, will hereafter for us serve mainly as treasured evidence of the gratitude with which our Civil War service has been remembered by our country.

In the sum accorded by the measure to its beneficiaries who served as volunteer officers of the Navy during that war, who numbered 250 in 1908 (and of these scant 200 survive to-day), there is nothing to be taken as by taxation from the Treasury.

The interest on the naval pension fund of \$14,000,000, the proceeds of our prizes in that war, suffices to pay all we get under this bill.

In 1868 that fund was invested at 6 per cent interest, which paid all the naval pensions, but a liberal (?) Congress covered the money into the Treasury, and declared that it would only pay 3 per cent interest thereon and thereafter.

This saved to the Government \$420,000 per annum, so that (not compounding that interest) the 44 years of interest saving has put into the Treasury the total of \$18,480,000.

Can we not fairly ask generous action at your hands?

Yet we, surviving volunteer officers of the Navy, only ask to share under the measure equally with those officers who so brilliantly and successfully led the Nation's armies to victory and preserved a nation whose interests are in your hands.

Respectfully,

FRANCIS P. B. SANDS,
Formerly Acting Master, United States Navy, 1862-67.

MR. TORRANCE. Capt. Osborn, of Chicago, a member of the general committee, is here. Captain, have you a brief to submit, or anything to offer?

STATEMENT OF CAPT. HARTWELL OSBORN.

Capt. OSBORN. I have no elaborate argument to present. The subject has been fully presented, but perhaps a word of the argument *ad hominem* might be illuminating.

I went from the Western Reserve College into the Fifty-fifth Ohio, and served four years. The regiment went out with 37 commissioned officers. Of those 37 original officers, 3 returned. The rest had been removed by the accidents of the service. All of the other officers who were serving at the close of the war were enlisted men who had earned their commissions by valor and by ability, and of those there are, I think, only 10 now living. I think that illustrates the character of those who are now asking for this recognition.

I want to call your attention to a classmate of mine, in comparison with his colonel. Gilbert S. Carpenter went from the class of 1859 into the Nineteenth Ohio—the three months' service. At the end of that time he enlisted, with a great many other college boys, in the Eighteenth Regulars. He died not long since, about a year ago, having attained the rank in the Regular Army of colonel, and was retired as a brigadier general; and, in consequence of his 90 days' service in the volunteer service, was advanced one rank, to that of brigadier general, and received \$1,500 per annum for that service of 90 days. That is the way that law worked.

His colonel was Sam Beatty, but the major of the regiment was C. F. Manderson, who, with Beatty, reorganized the Nineteenth Ohio at the close of the war and carried it through the three years' service and the veteran service besides.

Beatty was made a brigadier general, and Manderson was in command of the regiment at the close of the war. He elected to assume the duties of peace, rather than those of war, and became a Senator of the United States.

SENATOR BROWN. From Nebraska.

Capt. OSBORN. And he was warmly interested in this bill. I have seen him a great many times, and he said to me one day: "When Napoleon reorganized the French Army he took all the teamsters and all the subordinates who were not soldiers and made soldiers of them and then boasted that in the knapsack of every French soldier was the baton of a field marshal of France." That is the principle at the bottom of our bill. We want it to be shown to succeeding generations that volunteer officers are on the same basis as Regular Army officers.

SENATOR MANDERSON at the close of the war received a pension of \$12 a month, the same as any cook in his regiment received, and no more. I simply refer to that as a specimen.

Mr. TORRANCE. I wish to announce to the committee that Cols. Vance and Patten, of Columbus, Ohio, representing the Commandery of the State of Ohio, are here. Do you wish to be heard, Col. Vance?

Col. VANCE. No; thank you.

Mr. TORRANCE. Or you, Col. Patten?

Col. PATTEN. No; thank you.

Mr. TORRANCE. I think I have called upon Capt. Gaston, who was invaluable in the service rendered to the committee. I believe that closes the presentation of our case at this time, Mr. Chairman, and, with your permission, I will file with the clerk several briefs that are here and one or two that I have at the office.

Senator BROWN. I wish you would do that, if you will. The committee are very much obliged to you and your comrades for your presentation.

Mr. TORRANCE. We are grateful for the consideration shown us, Mr. Chairman. May I ask about the printing of this hearing? We would like a good many copies, if we can get them, as they will be extremely interesting.

Senator BROWN. We shall try to get some extra copies for you.

Whereupon, at 12 o'clock m., the hearing was adjourned.

The following papers were submitted by Gen. Torrance:

ARGUMENT IN PART, OF GEN. A. B. NETTLETON, NOW DECEASED, AND FORMER CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE VOLUNTEER OFFICERS' RETIRED LIST.

[Made before the subcommittee of the Senate on Military Affairs, Feb. 19, 1910.]

OUR POSITION.

Let us not be misunderstood. We ask of the Government no gratuity—no charity. We present to the Government no appeal and make upon it no arbitrary demand. We simply point to the record, and request the Government to render equity to men who believe they have earned, and thus far failed to receive, equity.

The present request for our proposed legislation is based on this fivefold sanction: (1) The general merits of the case, including the magnitude, results, and value of the service rendered, national expediency, and patriotic gratuity; (2) the pledges given by Congress and President Lincoln at the opening of the Civil War to the several States and to the Volunteers furnished by them; (3) the action and policy of the Government since the war in extending to practically all surviving officers of the Regular Army and Navy special rewards exclusively for Civil War service, which, contrary to the pledges referred to, have thus far been withheld from surviving volunteer officers; (4) the commanding precedent furnished by the United States Government in 1828 and 1832 in granting to the aged surviving officers of the Revolutionary Army full pay, limited to that of a captain, during the remainder of life; (5) present public sentiment in the Nation as shown, among many other proofs, by the unanimous action of the legislatures of 10 States, speaking for nearly 30,000,000 of our people, recommending the enactment of such a measure.

We avail ourselves of your courtesy to present the following summary of the reasons which seem to us fully to establish both the justice of our request and the necessity and entire practicability of granting it now. If we briefly cite certain events of history it is not because they are new, but "lest we forget."

OUR DUAL MILITARY SYSTEM—REGULARS AND VOLUNTEERS.

It has always been the policy of the United States to maintain only a small permanent army, in war and peace, and to meet great military emergencies by relying mainly upon citizen volunteers, whose service is thus wholly performed

amidst the danger and stress of actual warfare. This course avoids the grave political perils and financial burdens of a great standing army in a republic and enables the Nation, without inconvenience, to devote a fraction of what such a standing army would annually cost to providing for the old age and other disability of the surviving volunteer veterans of its occasional wars. Obviously, this expenditure for pensions and retired pay is as legitimate and inevitable a part of the cost of such wars as the purchase of military supplies during hostilities or the payment of war loans afterwards.

Government records show that during the Civil War period of between four and five years the aggregate number of individual enlistments in the Army and Navy of the United States was about 2,250,000, and the total average numbers of officers and enlisted men actually on the roll of the Army and Navy during the same period were, approximately, Regulars, 30,500; Volunteers, 857,500; ratio, 1 to 28.

RESULTS ACCOMPLISHED.

The results achieved by the service and sacrifice of the men, the fallen and the surviving, who composed and led the Union forces on land and sea, when viewed in the light of nearly half a century of peace and national advance, are immeasurably great in every way. They have radically changed the course of history not for America only but for the world, not only for the present era but for all time. They have triumphantly realized Lincoln's prayer and purpose that government by the people should not perish from the earth, and have decreed that this principle shall be the permanent heritage of mankind. Instead of two and possibly many weak and mutually warring North American Republics, discredited at home and abroad, each held in precarious existence by a political rope of sand, a standing invitation to anarchy and tyranny—with slavery as a perpetual irritant and explosive—those results have made of North and South, East and West, one Commonwealth, enduring and free; have cemented forever what our Supreme Court is thus enabled to pronounce "an indestructible union of indestructible States." They have firmly established the greatest and most beneficent of nations, whose friendly might and enlightened example render it the natural leader and umpire of the world, and whose material wealth, power, and prosperity have well-nigh ceased to be measured or comprehended by ordinary standards.

As recently testified by President Taft, the surviving veterans of the Union Army have, since Appomattox, rendered to the Republic a service scarcely less important and beneficent than that of their victorious battles. They have furnished the chief impetus and influence in reuniting the North and South; in healing the reciprocal wounds of war, in obliterating the prejudices and misconceptions of a bygone conflict; in welding two peoples into one by the power of fraternal esteem, of mutual respect, and preserved self-respect. They have recognized in their one-time foes a valor, a gallantry, a sincerity of purpose equal to their own; and, not least, they have proclaimed that the survivors of the lost cause would be unworthy of our regard if they did not fully cherish and honor the memory of the men who led their Confederate armies, and of their unreturning hosts who laid down their lives for what they believed to be right.

VOLUNTEER OFFICERS.

The officers of Volunteers, whether they recruited, trained, and led in action companies, regiments, brigades, and divisions of the Volunteer Army, or whether they rose to command from the ranks through the educating and sifting process of service and merit on the battle field, contributed that indispensable element of tried leadership and responsibility whose distinctive value all Governments at all time recognize in their laws and practice. Their average age considerably exceeded that of the splendid body of young soldiers in their commands. They went to the war from the highest of motives. In doing so most of them abandoned assured positions and chosen occupations for which they were fitted. Without hesitation they surrendered to others, who remained in the security of home, their places, their vocations, their business pursuits, and prospects. They uttered no complaint when their Army pay was in arrears for months, thus cutting off their means of self-support in the field, nor when the currency in which they were paid was depreciated one-half to two-thirds, nor even when the paymaster in the field deducted a 5 per cent income tax for the support of a war to which they had already dedicated their lives. After years of absence and wearying duty at the front, their patriotic

task completed, the survivors returned to civil life. They wasted no regrets over their obvious handicap, which no transient stipend received during service could compensate; of former positions filled; of educational purposes and life plans shattered or dwarfed; of vitality often impaired by wounds or hardship; of employment and opportunity relinquished at the critical life period, to be sought anew amidst crowded and acute competition. Their life problem was in sharp contrast to the well-earned and assured situation of the officers of the Regular Army and Navy at the close of hostilities.

DISCRIMINATION AND UNFULFILLED PLEDGES.

(1) At the outbreak of the war, and again during its darkest days, the Congress and President Lincoln, in order to secure military justice, to stimulate the enlistment of volunteers, and sustain the courage of the volunteer armies already doing their work on the firing line, pledged equality of treatment as between Regulars and Volunteers. (2) During the Civil War the volunteer forces constituted 96 per cent of the Army of the United States, did 96 per cent of its campaigning and fighting, and furnished 96 per cent of its killed, wounded, and otherwise disabled; the Regular Army, 4 per cent. (3) Of all the valuable rewards, honors, and emoluments extended by the Government since the war to the combined surviving Volunteer and Regular Army officers as such, exclusively in recognition of their Civil War service and sacrifice, Regular Army officers have received 100 per cent; Volunteer officers, nothing. (4) From the Civil War to the present time, nearly half a century, not a line of legislation has been enacted by Congress in recognition or reward of surviving Civil War volunteer officers as such. During the same period, from 1866 to 1908, inclusive, by at least five successive enactments, Congress has enforced upon all surviving Regular Army officers who performed Civil War service, either as Volunteers or Regulars in any grade, or for any time, however short, most distinguished honors and benefits of increased rank and retired pay, based not at all upon the fact of their life employment in the Army, but solely upon their Civil War service, performed side by side with volunteer officers in the same campaigns and battles. (5) And this discrimination, besides violating the plainest requirements of natural justice, squarely repudiates the spirit if not the letter of pledges made by Congress and President Lincoln in the darkest days of the conflict to stimulate the recruiting and enlistment of volunteers and sustain the courage of the volunteer armies already doing their work on the firing line.

PREFERENTIAL LEGISLATION CITED—ITS OPERATION ILLUSTRATED.

By the act of July 28, 1866, Regular Army captains who had served in the Civil War as brigadier generals of Volunteers and been disabled and mustered out of their volunteer service, instead of being then retired as captains of the Regular Army, were retired as brigadier generals of the Regular Army with corresponding monthly retired pay during life, this excess rank and retired pay being exclusively on account of Civil War service. On the other hand, a brigadier general of Volunteers who was not also an officer in the Regular Army but who rendered identical service and incurred equal disability in the Civil War was at its close relegated to civil life with at most the maximum disability pension of his rank, under the act of July 14, 1862, of \$30 per month.

This precedent of discrimination in favor of Regular Army officers is followed, and in some instances exceeded, in the subsequent acts of March 3, 1875, April 23, 1904, June 29, 1906, and March 2, 1907. For example, under the act of April 23, 1904, any Regular Army officer below the grade of brigadier general who served in any grade in the Civil War "who has been or hereafter may be retired," on account of age or other lawful cause, may be placed on the retired list with rank and retired pay one grade above that actually held by him at the time of his retirement. Pursuant to this act 354 Regular Army officers already retired were retired a second time with the increased rank and retired pay—this exclusively as recognition and reward for Civil War service. Ninety-two of them were colonels, who thus became brigadier generals, with a resulting increase of \$1,500 a year in retired pay under the present pay schedule. Proportionate increases of rank and retired pay were awarded to officers of the lower grades. Up to a recent date 617 Regular Army officers had been given this benefit of increased rank and pay upon retirement. The resulting increase of their retired pay averages about \$822 a year for the several grades—solely in consideration of Civil War service (whether as officers or enlisted men) rendered more than 40 years previously.

As an extreme but characteristic illustration of the principle and possible operation of the cited laws: A man who served even one day as officer or enlisted man, as volunteer or regular, in the Civil War and never heard a hostile shot fired, and subsequently during the 40 years of virtual peace reached the rank of colonel in the Regular Army is entitled to be retired at the age of 62 as a brigadier general, thus receiving during the remainder of his natural life \$4,500 a year retired pay, of which \$1,500 per annum is excess retired pay, exclusively in appreciation and reward for his one day of Civil War service. On the other hand, against this, one who served as a volunteer four years at the front in the Civil War, earning the rank of major general and commanding a division in many battles, but who did not enter the Regular Army, is now entitled to receive a private's pension of \$240 a year at the age of 75. By the act of March 2, 1907, this privilege of retirement with one advanced grade, on account of Civil War service, is extended to brigadier generals.

THE GOVERNMENT'S PLEDGE OF IMPARTIALITY.

Compare the foregoing legislation and its resulting system with the fifth section of the act of July 22, 1861, which constituted the pledge voluntarily made by the Government to the several States and to their Volunteers when the latter were called into service at the outbreak of the war. It reads: "That the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing as to pay and allowances of similar corps of the Regular Army." Is it not the obvious and rightful meaning of this pledge, made by the Congress and President Lincoln the day after the First Battle of Bull Run, when the National Capital was in imminent peril, that there should be absolute equality of recognition, consideration, and reward for Civil War service as between the Volunteer and the Regular forces, rank for rank? The specific present application of this is that whatever provision the Government might make for the old age of the surviving officers of the Regular Army, because solely of service in the Civil War, it is bound to make equally for the surviving officers of Volunteers of like Civil War service. Any other construction would appear to be a mockery. We ask that this pledge be fulfilled.

THE NATION, THE STATES, AND THE VOLUNTEERS.

If such a wrong is to remain unrighted, if this undeserved badge of demerit and disparagement is to be permanently affixed to the surviving Volunteer officers of such a war, this question suggests itself: In future emergencies involving the Nation's life, what effect will such an example and continuing policy of unfair preference, through violated pledges, have upon the raising and maintaining of effective and victorious Volunteer Armies? Will they not go far to cut the nerve of that patriotism which actually fights and wins our battles and to undermine that military self-respect, initiative, and honorable ambition among both Volunteer officers and soldiers, without which qualities an army is not an army but a spiritless mob? More than 60 per cent of the Volunteer officers in the Civil War were promoted and commissioned from the ranks for efficiency in the field; hence this problem equally affects the enlisted men of all future Volunteer Armies. Honorable incentive and certainty of fair play in the desperate game of war are essential to good soldiership in all ranks, from highest to lowest.

These promises by the Federal Government, of equality of treatment as between Volunteers and Regulars, were given not only to the individual citizens who offered their lives by enlistment, but equally to the legislatures and the "war governors" of the several States, to which were addressed Lincoln's successive calls for fresh levies, and whose increasingly difficult duty it was to keep our shattered armies replenished with recruits. These pledges were accepted at par by the States, and by them published to their citizens as a sure guaranty of a square deal if they enlisted. Is it not time, and is it not due to the honor and memory of Lincoln and the war-time Congress, that these guaranties by the Nation to the States, as well as to their volunteers, were honorably recognized and at least partially and tardily redeemed?

GOOD RELATIONS OF REGULARS AND VOLUNTEERS.

No surviving Civil War volunteer officer criticizes the liberal reward of genuine Civil War service extended to officers of the Regular Army and Navy by the successive acts of Congress cited herein. The policy is both just and expe-

dient. It wisely embodies substantial gratitude for specially perilous and effective service to the Republic in its great crisis past and indicates that similar service in the future will not be ignored. The American people are now simply asked, in pursuance of the same policy of equity and forethoughtful expediency, to see that there shall be no indefensible and humiliating discrimination maintained against Union volunteer officers who rendered Civil War service precisely identical in merit, danger, and duration, in the same bloody campaigns and battles, and to see that the honorable obligation of an honorable Government is made good. No one attributes to veteran officers of the Regular Army and Navy sympathy with the discriminations herein recited, and the legislation which causes them is doubtless the result of inadvertence rather than of intent.

Our measure bears no relation whatever to the permanent retired list of the Regular Army and Navy. It is special and temporary, terminating with the lives of present Civil War beneficiaries. Its benefits affect a number of regular officers of Civil War service who are not otherwise provided for. It is our observation that the Warner-Townsend bill has the approval of fair-minded officers of the Regular Army and Navy who have acquainted themselves with its nature and purpose. In the harsh but unequalled school of actual warfare the volunteer officers and soldiers of both armies quickly became the equals of the best regular troops of the world, in all those virile military qualities which prosecute trying campaigns and win hard-fought battles. The experience of common and equal service in the campaigns and battles of the Civil War uprooted the former spirit of caste and prejudice as between Regulars and Volunteers and substituted a good understanding and spirit of comradeship which still exist. Certainly the Government can not afford now to sow the seeds of discord between Regulars and Volunteers of its future combined armies by leaving uncorrected the invidious discriminations here demonstrated and complained of.

THE REVOLUTIONARY WAR PRECEDENT.

Our cause does not rest simply on the forgotten pledges and the discriminations against us embodied in the statutes referred to; its real foundation is far deeper and broader—first, in those considerations of high national expediency, patriotism, gratitude, and fairness which lie behind all legislation in recognition of military service and sacrifice for an imperiled nation; and, second, in the earlier and authoritative precedents of our Republic. On May 15, 1828, forty-five years after the close of the Revolutionary War, Congress, representing the generation that followed and enjoyed the first fruits of that historic conflict, made provision for the old age of the survivors of the patriot army. That act, with the supplemental one of June 7, 1832, besides caring proportionately for surviving enlisted men, and in addition to liberal grants of land, awarded full pay during life, according to rank, to those surviving officers of both line and State troops who had served two years or more, and a ratable allowance to those who had served less than two years, but not less than six months, the maximum retired pay of any officer not to exceed the full pay of a captain.

The legislation, which in effect provided a retired list for the survivors of Washington's Army, was especially advocated by Daniel Webster, passed by a Congress containing such statesmen as Calhoun, Van Buren, William H. Garrison, Benton, Everett, Silas Wright, Seymour, Clay, and Randolph, and was approved by President John Quincy Adams.

Making due allowance for difference in circumstances then and now, it is believed that the action of our Government in 1828-1832 should at this time have all the force that can ever be given a valid precedent. That action was taken in the youth and comparative poverty of the Republic, because it was deemed fair and right. It may well guide the same Republic in its maturity, opulence, and power. If any question the force of the precedent on the ground of comparative service, history simply records that, ignoring the relative magnitude and bloodshed of the two contests, the services rendered and the results produced by the Revolutionary Army and by the Union Army are equally and reciprocally unique, in that the former inaugurated, while the latter preserved from destruction, emancipated, and permanently established the American Republic. Washington's surviving officers based their request for retired pay on service rendered, results accomplished, and unfulfilled agreements of the Government. Lincoln's surviving officers base their present request on a like foundation.

To the Sixty-first Congress and to the President, serving 45 years after the close of the Civil War and representing the generation which follows it and

enjoys the nation-wide benefits flowing from its salutary outcome, this example of the elder statesmen of 1828 is respectfully commended by the surviving volunteer officers of the Civil War, who have now reached the sunset of life.

A MODERN PRECEDENT.

On March 3, 1905, Congress by unanimous vote selected two then surviving volunteer officers of Civil War service, who had been 40 years in civil life, Gens. Hawley and Osterhaus, and caused them to be placed on the retired list of the Regular Army, with the retired pay of brigadier generals. This action could have but one justifiable meaning and motive, namely, that the Government thus admitted its honorable obligation to legislate in recognition of the service and merit of aged Civil War volunteer officers as such. The remedy for an obvious injustice which the Government thus attempted to apply with partiality and at random it is now requested to apply fairly and with method. The precedent is important and not easily explained away.

THE WARNER-TOWNSEND MEASURE.

Following approximately the form and spirit of the laws of 1828-1832, our bill has these leading features: It creates a temporary volunteer retired list for surviving Civil War officers of all grades. Subject to the maximum limitation that no one shall receive more than three-fourths of the active pay of an Army captain, those who served with credit two years or more will receive during life, in lieu of all pensions, one-half the pay, according to present schedule, of their former highest rank, and those who served less than two years but not less than six months will receive like pay in proportion to length of service. The measure is framed on conservative lines and intended to safeguard the interests of the Government not less than those of its beneficiaries. This is sufficiently shown by the fact that it graduates pay according to length of service, and for maximum service provides for half pay instead of the full pay granted to the veteran officers of the Army of the Revolution and three-fourths pay now received by retired officers of the Regular Army and Navy. Section 2 of the bill, as I have heretofore stated, extends the benefits of the measure to the group of Regular Army officers who were legislated out of office in 1870 and not retired. Under its provisions the average retired pay for all ranks and terms of service is estimated to be under \$1,000 per annum, and the entire amount carried by the bill is distributed among the several ranks approximately as follows:

	Per cent.
To generals-----	0.15
To colonels-----	1.75
To lieutenant colonels-----	3.88
To majors-----	6.72
To captains-----	34.5
To first lieutenants-----	33.8
To second lieutenants-----	19.2
Total-----	100.0

THE FINANCIAL ASPECT.

It goes without saying that but for the money cost of this proposed legislation it could be enacted in 24 hours. We wish to meet the financial problem frankly. The Government's policy of exceptional economy, pending the now progressive improvement in revenues, deserves approval. But is not this a sane and fair view of the situation? It is a truism that our Government has, subject to call, abundant resources and credit with which to meet at maturity all its obligations—legal and equitable, statutory and moral. The reasonable meaning of the present rule of economy and retrenchment, as we understand it, does not by any means require or warrant the denial or the harmful postponement of any recognized obligation of the Republic. It has not been suggested in any quarter that, for the passing relief of the Treasury, there should be either reduction or delay in the payment of congressional or executive salaries, or of the interest on the public debt, or of the active or retired pay of the Army or Navy. If the cause which we represent in fact stands for an obligation of the United States, legal or honorable, that obligation is peculiarly one which, in our judg-

ment, ought not to be disowned in the name of economy or indefinitely postponed in the interest of retrenchment. It is an obligation which can not be put off without, to a large extent, involving its final cancellation, unhonored and unpaid, which means its repudiation. We who request this legislation have an average age of between 70 and 80 years. We can not obtain a reprieve under Nature's death sentence. We have already waited until of the 131 major generals of Volunteers commissioned by President Lincoln for Civil War service only 2 survive; of the 446 brigadier generals, less than a score are now living; and of the 3,030 colonels of regiments, 199 are left. The thinning of ranks in the junior grades would be in proportion, except for their lower average age.

NO REAL OBSTACLE APPARENT.

When, in 1828-1832, the young Republic made provision with full pay for the old age of the surviving officers of the Revolutionary Army the population of the United States was 12,860,000 and the country's wealth was \$2,760,000,000, a per capita of \$215. On January 1, 1910, our estimated population was 90,000,000 and our aggregate wealth \$120,000,000,000, a per capita of \$1,333.

All agree that national prosperity has returned. In the 12 years now closing our Nation has expended as a gratuity more than \$500,000,000 in its policy of friendly intervention toward the people of Cuba and the Philippines. We are expending \$375,000,000 on the Panama Canal, thus far wholly from current revenues. It is in contemplation soon to enter upon other great and costly undertakings. For some of these purposes United States bonds have been or may be authorized. For none of these vast disbursements, past or prospective, have we any word of criticism, but they carry with them their own advertisement that, while the demands of American commerce and of national philanthropy toward alien peoples are thus generously cared for, there can be no real economic obstacle to the doing of tardy and partial justice now, at relatively slight cost, to the men whose cause we urge to-day and whose service and sacrifice went far to render all these world-embracing enterprises possible.

Our National Treasury is never free from pressing demands. A request that we wait until that pressure ceases would, of course, be simply an uncourageous but final refusal. Where there is no wish nor intention to take any action, all dates for desired action are "inopportune." But this can not be such an instance.

If this statement which we have now presented is substantially well grounded, it is difficult for us to comprehend how any American citizen, either in or out of Congress, who was a contemporary of the Civil War period, or any man of the younger generation who in prosperous peace is reaping his "unearned increment" from the service and sacrifice of the men of 1861-1865, can obtain his own consent either to openly oppose the pending measure or tacitly contribute to its defeat by indifference or delay.

Walter Kempster, M. D., of Milwaukee, Wis., late first lieutenant Company D, Tenth New York Cavalry, and former ex-commander of the Wisconsin Commandery of the Loyal Legion, submitted the following argument:

It does not appear to me to be necessary to reenact something provided in the bill which was passed by the Congress, July 22, 1861, wherein may be found the following language:

"That the officers, noncommissioned officers, and privates, organized as above set forth, shall, in all respects, be placed on the footing as to pay and allowances of similar corps of the Regular Army."

This is plain and unmistakable language. It is the pledge of the Government of the United States that the officers and enlisted men volunteering for service in the Civil War should receive the same pay and allowances given to those who were in the Regular Army. It is my opinion that the law above quoted means now just what it meant in July, 1861, and that the only law now necessary to discharge the obligation incurred by the Government in July, 1861, is one which will provide money to enable the Government to do so.

There can be no mistake about the meaning of the law above quoted. The words "pay and allowances" used in making provision for the Regular Army in 1861, are in use for the same purpose to-day. The expression "pay of retired officers" is used now, as it was then, and conveys the same idea. It appears to me that the only thing to be settled now is, whether the present

Congress of the United States will provide the necessary money to carry out the promises made by the Congress of 1861. Those promises were not conditional, they have not been repudiated, and it is my belief that when those promises are made known to the proper officials they will at once recognize the facts as they are.

It may not be necessary to cite precedents to secure fulfillment of governmental promises, but there is one so plainly stated by the immortal Washington that I venture to quote it. In his letter written when he took leave of the Army, referring to retired pay for officers, he wrote:

"I may be allowed to say it was the price of their blood and of your independence; it is therefore more than a common debt; it is a debt of honor. It can never be considered as a pension or gratuity, nor be canceled until it is fairly discharged."

Stimulated by these ringing words, the Congress of that day enacted a law providing that every honorably discharged officer who served in the American Army during the Revolutionary War should receive retired pay for one grade higher than the rank held by him at the close of the war.

The men of the Revolutionary Army made the country. Those of the Union Army saved it. Is the one less deserving than the other?

Bvt. Brig. Gen. W. D. Hamilton, of Columbus, Ohio, of the national committee of the Association of Surviving Union Volunteer Officers of the Civil War, submitted the following statement:

First. Most of the officers who organized, drilled, and took the field with troops in 1861-62 were men who had already chosen, and after due preparation had entered upon, their life work. This was given up, and in many cases sacrificed, by reason of their long military service. Their average age was more than six years greater than that of the enlisted men. They are now over 75 years of age, and in many cases unable to earn that comfortable support to which they are entitled.

Second. They were employed to restore the Union of the States. This contract was fulfilled on their part at Appomattox. It can hardly be said that they have received the full measure of pay for their services in advancing public credit until the 7 per cent bonds of the war were redeemed with securities drawing 3 per cent since its close, and in changing it from a second-class power to become the wealthiest Government on earth and among the first in power and influence. In accomplishing this they got plenty of praise, but as it was not "nominated in the bond" the Government got everything else.

Third. Our reunited country surely owes as much to the Union officers of the Civil War for their services in saving the Union as the united colonies of the Revolution did to the Army that secured their independence.

Forty-five years afterwards a grateful country recognized its obligation to the survivors of that war by placing both officers and men on full pay during the remainder of their lives, and now, after 50 years, our Congress has, for similar services, given the enlisted men of the Civil War nearly double their former pay, but the officers' services have been ignored. The bill now pending, after deducting the pension that each officer is allowed under the act of May 11, 1912, will call for an appropriation of a sum that would in no way be a burden to the country.

The following resolutions were passed unanimously by the commandery of the State of Colorado at a stated meeting held May 7, 1912:

Whereas the rapid mortality that is occurring in the ranks of the Military Order of the Loyal Legion stirs us anew to the realization that in a very short time nothing will be left of the grand organization to which we belong. In proof of this condition the records of this commandery, which show that 12 of our members out of a total number of 120 of Civil War officers died between October, 1911, and March, 1912, a period of less than six months; that is, 10 per cent of the total in less than six months; Therefore be it

Resolved, That this fact be communicated to the Military Committee of the National House and Senate, before whom the bill for the Civil War volunteer retired officers' list is now under consideration, and that these committees be assured that their action on said bill is being watched with great solicitude by us; and that their serious attention be called to the present alarming mortality among all the commanderies of the Loyal Legion throughout the United States,

as well as to the fact that the rate of such mortality is growing greater and greater as each month passes by; these facts being of such force as to show conclusively that if the legislation contemplated by this bill is to be made at all it should be done at once, else every person upon whom it will operate will have passed away and its benefits be lost.

And, further, that inasmuch as the precedents cited in behalf of this bill occurring in the cases of the officers of the Revolutionary War, as well as reasons as to the inherent justice and equity of the provisions of the bill have, we are informed, already been heard before the committee, we feel it to be unnecessary to rehearse them in this resolution, and that we simply wish to place before the committees the facts relating to the frightful death rate now prevailing among the Civil War officers as an incentive to immediate favorable action in order to make it of any avail.

Lieut. AUSTIN W. HOGLE, *Recorder.*

The Association of Volunteer Officers of Western New York respectfully submit the following brief reasons in support of favorable action on the bill to be agreed upon by Congress, designated as the "Civil War volunteer retired list":

First. The precedent established by Congress in granting full pay to the officers of the Revolutionary Army at a period similarly distant from the end of the War for Independence as is the present period distant from the end of the Civil War should in fairness be considered an obligation to pay a much smaller proportion to the officers of the latter war.

Second. That in addition to the precedent established in individual cases of retiring certain volunteer officers on a Regular Army basis, the existing law recognizes the service as a soldier of the Civil War of all Regular Army officers by advancing one grade of rank upon retirement, irrespective of the actual rank held or duration of service in the Civil War. Thus a Regular Army colonel with a Civil War service (private or officer) is upon retirement advanced to brigadier general with an increased retirement pay of \$1,500 annually, due solely to his Civil War service, and therefore it is modestly contended that the lesser sum provided by the bill for an officer of colonel's rank, and so in proportion down the line, is at least a fair basis for comparison in all pension systems established by large industrial and railroad corporations; the basis has been the responsibility and service rendered by the beneficiary, as established by the salary received during his activity, and we respectfully submit our belief in the wisdom of such a standard.

Third. The value of good officers in the Army, especially in active service, as well as the value of efficient heads of departments in industrial concerns, needs no elaboration and rewards should be proportionately commensurate in the one case as the other.

Fourth and finally. The officers of the volunteer force of the Civil War have never as such received from the General Government the slightest recognition of their services. Every pension law explicitly states that "former rank shall not be considered," as if the commissioned officers as a body were in disgrace and that they had failed in their duty or were less exposed to danger than the enlisted men. Yet the statistics show that the number of officers killed were nearly double in proportion to the enlisted men.

Service should be measured not by years, but by endurance, privation, and risk, and it is respectfully submitted that two years of actual and active service in the Civil War is at least equal in merit to a lifetime of service spent in times of peace.

The officers average several years older than the enlisted men, and, as we can not expect many years more on earth, we ask that this discrimination against officers be lifted while we are yet able to appreciate the consideration.

JOHN B. WEBER, *President.*
FRANK MYERS, *Secretary.*

EXHIBIT A.

[Senate Document No. 642, Sixty-second Congress, second session.]

WAR DEPARTMENT,
Washington, May 2, 1912.

The PRESIDENT OF THE UNITED STATES SENATE.

SIR: I have the honor to forward herewith a petition from sundry retired soldiers to have the provisions of Senate bill No. 2605, Sixty-second Congress, first session, extended to include retired soldiers with creditable Civil War service.

It appears from the records of the War Department that there are 590 enlisted men of the Army now on the retired list who served creditably during the Civil War prior to April 9, 1865.

The War Department will be glad to furnish such additional information as is required or to give its views when called upon in reference to the inclusion of retired enlisted men of the Army in the provisions of this measure.

Very respectfully,

H. L. STIMSON, *Secretary of War.*

Favorable report was made in the Senate April 3 on S. 2605, which reads as follows:

"That from and after the passage of this act petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list, who had creditable Civil War service in the Regular or Volunteer forces prior to April 9, 1865, shall receive the rank or rating and the pay of the next higher enlisted grade upon the retired list by reason of such service: *Provided*, That if such advanced rank or rating shall not carry with it an increase of pay, or if there be no higher enlisted grade to which advancement may be made as herein authorized, then and in such cases said men shall receive an increase of pay of 20 per cent over and above the retired pay actually received by them, respectively, at the time of the passage of this act.

"SEC. 2. That nothing in this act shall operate to reduce the pay of any persons in the Navy or Marine Corps, and that its provisions shall not operate to create any claim for back pay.

"SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act be, and are hereby, repealed."

ST. PAUL, MINN., April 16, 1912.

The ADJUTANT GENERAL,

War Department, Washington, D. C.

(Through Commanding General, Department of the Lakes).

SIR: Respectfully referring to the subject matter of Senate bill No. 2605, Sixty-second Congress, first session (copy hereto appended), we, the undersigned, soldiers of the Civil War, have the honor to solicit your good offices in having an amendment added thereto that will include retired soldiers with creditable Civil War service, and that they may be entitled to the rank and emoluments therein cited.

In making this request we trust we are not transgressing any rule or regulation of the department.

Very respectfully,

PATRICK HENRY,
AUGUST BIEBEL,
WM. MINSET,

Commissary Sergeants, United States Army, retired.

PATRICK MADIGAN,
Ordnance Sergeant, United States Army, retired.

[First indorsement.]

HEADQUARTERS, DEPARTMENT OF THE LAKES,
St. Paul, Minn., April 18, 1912.

Respectfully forwarded to the adjutant general, central division, Chicago, Ill., approved and recommended.

It is only fair that soldiers of the Army should receive the same consideration as enlisted men of the Navy and Marine Corps.

R. W. HOYT,
Brigadier General, Commanding.

[Second indorsement.]

HEADQUARTERS CENTRAL DIVISION,
Chicago, April 19, 1912.

Respectfully forwarded to The Adjntant General of the Army, concurring in first indorsement.

R. D. POTTS,
Brigadier General, Commanding.

[Third indorsement.]

The Chief of Staff. A. G. O., April 23, 1912. One inclosure.

EXHIBIT B.

[Senate Report No. 563, Sixty-second Congress, second session.]

The Committee on Naval Affairs, to which was referred the bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, having carefully considered the same, favorably reports it back to the Senate with recommendation that it do pass.

This bill is aimed merely to give to these people what all the other officers of the Army and Navy receive because of creditable Civil War service.

It is identical with House bill 30574, Sixty-first Congress, third session, was framed by the Navy Department, and the passage thereof is recommended by the Navy Department, as may be seen by reference to the following communication of the honorable Secretary of the Navy:

[H. R. 30574. To provide for petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps.]

DEPARTMENT OF THE NAVY,
Washington, February 18, 1911.

MY DEAR CONGRESSMAN: The receipt is acknowledged of your letter dated the 15th instant inclosing a bill (H. R. 30574) "to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade," and requesting the views and recommendations of the department thereon.

In reply I have the honor to inform you that the measure meets the approval of this department, and its enactment is recommended. About 115 enlisted men of the Navy and Marine Corps now on the retired list would be affected.

Faithfully yours,

G. V. L. MEYER.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

EXHIBIT C.

[From the Army and Navy Journal, Mar. 23, 1912.]

In the War of the Revolution the separate States undertook to pay their officers and men, but payment was neither regular nor sufficient. In 1783 Congress gave full pay for five years to officers who had served in the war, and in 1828 full pay for life, but not exceeding the pay of captain. In 1776 Congress granted lands to officers and soldiers as follows:

Colonel, 500 acres; lieutenant colonel, 450 acres; major, 400 acres; captain, 300 acres; lieutenant, 300 acres; noncommissioned officers and soldiers, 100 acres.

In 1780 Congress granted to major general 1,100 acres; brigadier general, 850 acres.

Several of the States also granted land to their officers and soldiers. For example, New York gave a private 600 acres, and officers a larger amount. Pennsylvania gave a private 200 acres, and officers up to 2,000 acres for a major general. In 1779 Virginia had increased its grants as follows to those who enlisted for the war and shall have served to the end of it: Soldier or sailor, 200 acres; noncommissioned officer, 400 acres; subaltern, 2,000 acres; captain, 3,000 acres; major, 4,000 acres; lieutenant colonel, 4,500 acres; colonel, 5,000 acres. And in 1780 it granted to brigadier general 10,000 acres; major general, 15,000 acres, and an additional bounty to all officers in the proportion of one-third of any former bounty heretofore granted.

The Revolutionary War practically ended October 19, 1781. In April, 1782, North Carolina made the following grants of land to officers and soldiers:

Privates, 640 acres; noncommissioned officer, 1,000 acres; subaltern, 2,560 acres; captain, 3,840 acres; major, 4,800 acres; lieutenant colonel, 5,760 acres; lieutenant colonel commandant, 7,200 acres; colonel, 7,200 acres; brigadier general, 12,000 acres; chaplain, 7,200 acres; surgeon, 4,800 acres; surgeon's mate, 2,560 acres. The same act granted to Maj. Gen. Nathanael Greene 25,000 acres.

It appears from Waddell's *Annals of Augusta County, Va.*, page 336, that at the time of these grants of land to officers and soldiers farming land in Virginia in large bodies sold at \$4 an acre, but the purchase power of money was then twice what it is now. Ten years later, or in 1793, the same land was sold at \$9.50 an acre, equivalent in our money to about \$20 an acre. In 1790 Congress fixed the minimum price of public lands at \$2 per acre, then equal to about \$4 of our money. Considering the greater purchase power of money at that time, I think it can be safely assumed that the lands granted to officers and soldiers of the Revolution were worth fully \$1 per acre of our money. In such case, the value of the lands granted by North Carolina to officers and soldiers was as follows: Private, \$640; noncommissioned officer, \$1,000; subaltern, \$2,560; captain, \$3,840; major, \$4,800; chaplain, \$7,200; surgeon, \$4,800; surgeon's mate, \$2,560; lieutenant colonel, \$5,760; lieutenant colonel commandant, \$7,200; colonel, \$7,200; brigadier general, \$12,000; Maj. Gen. Nathanael Greene, \$25,000.

The acts of Congress of April 23, 1904; June 29, 1906; and March 2, 1907, in effect declare that the retired officers of the Army and Navy who served in the Civil War had not been sufficiently paid for such service; that there was due them in the nature of bounty for such service an additional amount, and that accordingly each should have his rank and pay increased one grade. The effect of this was, for example, that an officer retired as colonel was advanced to brigadier general, with \$1,500 increase of pay annually for life. Under these acts about a thousand officers of the Army and Navy are receiving increased pay averaging about \$822 a year for life, solely for service they had rendered in the Civil War. This is simply additional pay in the nature of bounty, and there is no satisfactory explanation why the surviving officers of Volunteers in the Civil War who are not in the Regular Army or Navy should not receive a similar bounty.

ACTS OF CONGRESS PROVIDING RETIRED PAY FOR THE SURVIVORS OF THE REVOLUTIONARY ARMY.

[NOTE.—The treaty of peace between Great Britain and the United States was signed in Paris in September, 1783, and ratified by the Congress of the United States January 4, 1784. Practically 45 years later, May 15, 1828, the Twentieth Congress of the United States passed the following law, to take effect March 3, 1826, or about 42 years after the ratification of the treaty of peace.]

Act of Congress of May 15, 1828.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That each of the surviving officers of the Army of the Revolution in the continental line who was entitled to half pay by the resolve of October twenty-one, one thousand seven hundred and eighty, be authorized to receive, out of any money in the Treasury not otherwise appropriated, the amount of his full pay in said line, according to his rank in the line, to begin on the third day of March, one thousand eight hundred and twenty-six, and to continue during his natural life: *Provided*, That under this act no officer shall be entitled to receive a larger sum than the full pay of a captain in said line.

Sec. 2. And it is further enacted, That whenever any of said officers has received money of the United States, as a pensioner, since the third day of March, one thousand eight hundred and twenty-six, aforesaid, the sum so received shall be deducted from what said officer would otherwise be entitled to under the first section of this act.

Sec. 3. And be it further enacted, That every noncommissioned officer, musician, or private in said army who enlisted therein for and during the war and continued in service until its termination, and thereby became entitled to receive a reward of eighty dollars under a resolve of Congress passed May fifteenth, seventeen hundred and seventy-eight, shall be entitled to receive his full monthly pay in said service, out of any money in the Treasury not otherwise appropriated, to begin on the third of March, eighteen hundred and twenty-six, and to continue during his natural life: *Provided*, That no noncommissioned officer, musician, or private in said army who is now on the pension list of the United States be entitled to the benefits of this act.

SEC. 4. *And be it further enacted*, That the pay allowed by this act shall, under the direction of the Secretary of the Treasury, be paid to the officer or soldier entitled thereto, or to their authorized attorney, at such places and days as said Secretary may direct, and that no foreign officer shall be entitled to said pay, nor shall any officer or soldier receive the same until he furnish to said Secretary satisfactory evidence that he is entitled to the same in conformity to the provisions of this act; and the pay allowed by this act shall not in any way be transferable or liable to attachment, levy, or seizure by any legal process whatever, but shall inure wholly to the personal benefit of the officer or soldier entitled to the same by this act.

SEC. 5. *And be it further enacted*, That so much of said pay as accrued by the provisions of this act before the third day of March, eighteen hundred and twenty-eight, shall be paid to the officers and soldiers entitled to the same, as soon as may be, in manner and under the provisions before mentioned; and the pay which shall accrue after said day shall be paid semiannually, in like manner, and under the same provision. (U. S. Stat. L., vol. 4, pp. 269, 170.)

Act of Congress of June 7, 1832.

[An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the surviving officers, noncommissioned officers, musicians, soldiers, and Indian spies who shall have served in the continental line or State troops, volunteers, or militia, at one or more terms a period of two years during the War of the Revolution, and who are not entitled to any benefit under the act for the relief of certain surviving officers and soldiers of the Revolution, passed the fifteenth day of May, eighteen hundred and twenty-eight, be authorized to receive, out of any money in the Treasury not otherwise appropriated, the amount of his full pay in the said line, according to his rank, but not exceeding in any case the pay of a captain in the said line; such pay to commence from the fourth day of March, eighteen hundred and thirty-one, and shall continue during his natural life; and that any such officer, noncommissioned officer, musician, or private, as aforesaid, who shall have served in the continental line, State troops, volunteers, or militia a term or terms in the whole less than the above period, but not less than six months, shall be authorized to receive, out of any unappropriated money in the Treasury, during his natural life, each according to his term of service, an amount bearing such proportion to the annuity granted to the same rank for the service of two years as his term of service did to the term aforesaid, to commence from the fourth of March, eighteen hundred and thirty-one.

SEC. 2. *And be it further enacted*, That no person receiving any annuity or pension under any law of the United States providing for Revolutionary officers and soldiers shall be entitled to the benefits of this act unless he shall first relinquish his further claim to such pension, and in all payments under this act the amount which may have been received under any other act as aforesaid, since the date at which the payments under this act shall commence, shall first be deducted from such payment.

SEC. 5. *And be it further enacted*, That the officers, noncommissioned officers, mariners, or marines who served for a like term in the naval service during the Revolutionary War shall be entitled to the benefits of this act in the same manner as is provided for the officers and soldiers of the Army of the Revolution. (U. S. Stat. L., vol. 4, pp. 529, 530.)

Supplementary act of February 19, 1833.

[An act to amend an act entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution."]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the act entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," approved the seventh day of June, eighteen hundred and thirty-two, shall not be construed to embrace invalid pensioners, and pension of invalid soldiers shall not be deducted from the amount receivable by them under this act. Approved February 19, 1833. (U. S. Stat. L., vol. 4, p. 612.)

ACTS OF CONGRESS RELATING TO THE RIGHTS OF SURVIVING REGULAR AND VOLUNTEER OFFICERS WHO SERVED IN THE CIVIL WAR, INCLUDING FIVE ACTS GRANTING TO REGULAR OFFICERS ADVANCED RANK AND RETIRED PAY EXCLUSIVELY ON ACCOUNT OF CIVIL WAR SERVICE.

Act of July 22, 1861 (extract).

Therefore be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

* * * * *

SEC. 5. *And be it further enacted*, That the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army.

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service. * * *

Approved July 22, 1861.

United States Army Regulations, 1863, pages 504-507.

United States Statutes at Large, volume 12, pages 269-271.

Act of August 3, 1861.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled:

* * * * *

SEC. 16. *And be it further enacted*, That if any commissioned officer of the Army or of the Marine Corps shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command, and from the line of promotion, with the following pay and emoluments, namely, the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, and four rations per day, and without any other pay, emoluments, or allowances * * *.

Approved August 3, 1861.

(U. S. Army Regulations, 1863, pp. 526-527; U. S. Stat. L., vol. 12, p. 289.)

Act of July 28, 1866.

And be it further enacted, That officers of the Regular Army, entitled to be retired on account of disability occasioned by wounds received in battle, may be retired upon the full rank of the command held by them, whether in the Regular or Volunteer service at the time such wounds were received. (See 32, act of July 28, 1866, 14 Stat., 337).

Act of March 3, 1875 (extract).

Be it enacted, etc.

* * * * *

SEC. 2. That all officers of the Army who have been heretofore retired by reason of disability arising from wounds received in action shall be considered as retired upon the actual rank held by them, whether in the Regular or Volunteer service at the time when such wound was received, and shall be borne on the retired list and receive pay hereafter accordingly, and this section shall be taken and construed to include those now borne on the retired list placed upon it on account of wounds received in action.

Act of April 23, 1904.

That any officer of the Army below the grade of brigadier general who served with credit as an officer or as an enlisted man in the Regular or Volunteer forces during the Civil War prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Army, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age, or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him

at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Army and placed on the retired list by virtue of the provisions of a special act of Congress. (Act of Apr. 23, 1904.)

Act of June 29, 1906.

That any officer of the Navy not above the grade of captain who served with credit as an officer or as an enlisted man in the Regular or Volunteer forces during the Civil War prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Navy, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age, or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement, or who has been restored to the Navy and placed on the retired list by virtue of the provisions of a special act of Congress.

That any officer of the Marine Corps below the grade of brigadier general who served with credit as an officer or as an enlisted man in the Regular or Volunteer forces during the Civil War prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Marine Corps, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age, or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Marine Corps with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Marine Corps and placed on the retired list by virtue of the provisions of a special act of Congress. (Act of June 29, 1906, 34 Stat., 554.)

Act of March 2, 1907.

Provided, That officers who served creditably in the Regular or Volunteer forces during the Civil War prior to April ninth, eighteen hundred and sixty-five, and who now hold the rank of brigadier general on the active list of the Army, having previously held that rank for three years or more, shall, when retired from active service, have the rank and retired pay of major general. (Act of Mar. 2, 1907.)

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